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Educating • Protecting • Empowering

Arizona Consumers



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## Arizona Crime Victims' Rights Laws

### **Arizona Constitution:**

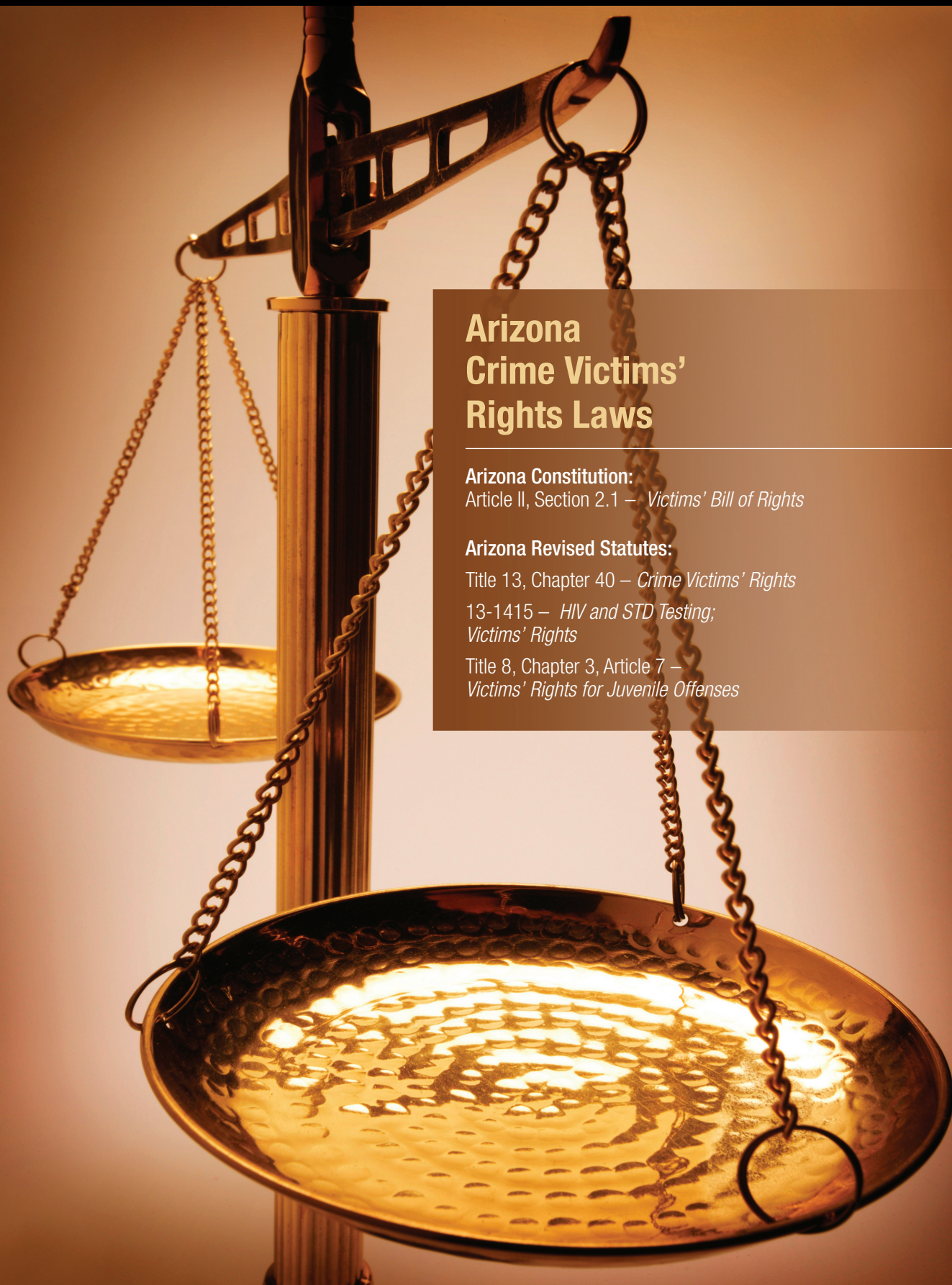
Article II, Section 2.1 – *Victims' Bill of Rights*

### **Arizona Revised Statutes:**

Title 13, Chapter 40 – *Crime Victims' Rights*

13-1415 – *HIV and STD Testing;  
Victims' Rights*

Title 8, Chapter 3, Article 7 –  
*Victims' Rights for Juvenile Offenses*





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## Message from Attorney General Terry Goddard

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Arizona is a national leader in standing up for the rights of crime victims. A Victims' Rights Amendment ratified by the voters in 1990 provided much needed support and stronger legal standing to victims and their families to help overcome the often devastating effects of crimes. While all 50 states have established statutory provisions that grant victims the right to participate in the judicial system and have also created victims' compensation programs, Arizona is one of 33 states with constitutional victims' rights amendments.

The Attorney General's Office of Victim Services provides a number of services to crime victims and justice agencies throughout the State, including:

- Direct assistance to crime victims may include assistance with monitoring restitution payments, information on the criminal justice process and notification of court proceedings, accompaniment to court proceedings and attorney interviews, guidance with Victim Impact Statements and referrals to community resources to address victims' needs in the aftermath of crime.
- Administration of victims' rights funding and program assistance to government providers of victim services.
- Enforcement of victims' rights to ensure compliance with the law.
- Training for providers of services to victims.

We are fortunate in Arizona to have a network of agencies in all 15 counties that provide service and support to tens of thousands of victims each year. My Office is proud to be a resource to law enforcement agencies, county and city prosecutors across Arizona to provide training, grant awards and technical assistance to help ensure that victims' rights are enforced.

As Attorney General, I am committed to a system of justice that ensures that offenders are held accountable. I am equally dedicated to a justice system that remembers,, respects and includes the victims of crime. By giving crime victims the support they deserve, we move closer to our goal of justice for all.

A handwritten signature in black ink that reads "Terry Goddard". The signature is written in a cursive, flowing style.

Terry Goddard

Arizona Attorney General



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Arizona Constitution, Article 2, Section 2.1.

## Victims' Bill of Rights

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Arizona Revised Statutes, Title 13, Chapter 40

## Crime Victims' Rights

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Arizona Revised Statutes

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## **Victims' Bill of Rights**

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- A) To preserve and protect victims' rights to justice and due process, a victim of crime has a right:
1. To be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.
  2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
  3. To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
  4. To be heard at any proceeding involving a post arrest release decision, a negotiated plea, and sentencing.
  5. To refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant.
  6. To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition.
  7. To read pre sentence reports relating to the crime against the victim when they are available to the defendant.
  8. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
  9. To be heard at any proceeding when any post conviction release from confinement is being considered.
  10. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
  11. To have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and to have these rules be subject to amendment or repeal by the legislature to ensure the protection of these rights.
  12. To be informed of victims' constitutional rights.
- (B) A victim's exercise of any right granted by this section shall not be grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.
- (C) "Victim" means a person against whom the criminal offense has been committed or, if the person is killed or incapacitated, the person's spouse, parent, child or other lawful representative, except if the person is in custody for an offense or is the accused.
- (D) The legislature, or the people by initiative or referendum, have the authority to enact substantive and procedural laws to define, implement, preserve and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.
- (E) The enumeration in the constitution of certain rights for victims shall not be construed to deny or disparage others granted by the legislature or retained by victims.

## Crime Victims' Rights

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### 13-4401. Definitions

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In this chapter, unless the context otherwise requires:

1. “**Accused**” means a person who has been arrested for committing a criminal offense and who is held for an initial appearance or other proceeding before trial.
2. “**Appellate proceeding**” means any contested matter before the state court of appeals, the state supreme court, a federal court of appeals or the United States supreme court.
3. “**Arrest**” means the actual custodial restraint of a person or the person’s submission to custody.
4. “**Court**” means all state, county and municipal courts in this state.
5. “**Crime victim advocate**” means a person who is employed or authorized by a public entity or a private entity that receives public funding primarily to provide counseling, treatment or other supportive assistance to crime victims.
6. “**Criminal offense**” means conduct that gives a peace officer or prosecutor probable cause to believe that one of the following has occurred:
  - (a) A felony.
  - (b) A misdemeanor involving physical injury, the threat of physical injury or a sexual offense.

#### Validity

Subsection relating to criminal offense limiting the definition of victims to misdemeanor involving physical injury, the threat of physical injury or a sexual offense has been held unconstitutional in the case of *State vs. Klein* (2007) WL 63779 Ariz. App. Div 1

7. “**Criminal proceeding**” means any hearing, argument or other matter that is scheduled by and held before a trial court but does not include any deposition, lineup, grand jury proceeding or other matter that is not held in the presence of the court.
8. “**Custodial agency**” means any law enforcement officer or agency, a sheriff or municipal jailer, the state department of corrections or a secure mental health facility that has custody of a person who is arrested or in custody for a criminal offense.
9. “**Defendant**” means a person or entity that is formally charged by complaint, indictment or information of committing a criminal offense.
10. “**Final disposition**” means the ultimate termination of the criminal prosecution of a defendant by a trial court, including dismissal, acquittal or imposition of a sentence.
11. “**Immediate family**” means a victim’s spouse, parent, child, sibling, grandparent or lawful guardian.
12. “**Lawful representative**” means a person who is designated by the victim or appointed by the court and who acts in the best interests of the victim.



13. **“Post-arrest release”** means the discharge of the accused from confinement on recognizance, bond or other condition.
14. **“Post-conviction release”** means parole, work furlough, community supervision, probation if the court waived community supervision pursuant to section 13-603, home arrest or any other permanent, conditional or temporary discharge from confinement in the custody of the state department of corrections or a sheriff or from confinement in a municipal jail or a secure mental health facility.
15. **“Post-conviction relief proceeding”** means a contested argument or evidentiary hearing that is held in open court and that involves a request for relief from a conviction or sentence.
16. **“Prisoner”** means a person who has been convicted of a criminal offense against a victim and who has been sentenced to the custody of the sheriff, the state department of corrections, a municipal jail or a secure mental health facility.
17. **“Release”** means no longer in the custody of a custodial agency and includes transfer from one custodial agency to another custodial agency.
18. **“Rights”** means any right that is granted to the victim by the laws of this state.
19. **“Victim”** means a person against whom the criminal offense has been committed, including a minor, or if the person is killed or incapacitated, the person’s spouse, parent, child, grandparent or sibling, any other person related to the person by consanguinity or affinity to the second degree or any other lawful representative of the person, except if the person or the person’s spouse, parent, child, grandparent, sibling, other person related to the person by consanguinity or affinity to the second degree or other lawful representative is in custody for an offense or is the accused.

### **13-4401.01. Victims’ rights for neighborhood associations**

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- A. A neighborhood association may register with the city, town or county in which the neighborhood association is located to invoke the rights that are afforded pursuant to this article. The city, town or county shall establish procedures for the registration of neighborhood associations pursuant to this section. The procedures shall require the neighborhood association to provide to the city, town or county the name and telephone number of one person who shall act on behalf of the neighborhood association and who may receive notice or invoke rights pursuant to this section. The neighborhood association shall notify the city, town or county of any changes to this information. If the neighborhood association fails to keep this information current, the neighborhood association is deemed to have waived its rights under this section.
- B. Notwithstanding any law to the contrary, if a person commits an act in violation of section 13-1602, subsection A, paragraph 5, section 13-3102, subsection A, paragraph 9, section 13-3201 or 13-3204, section 13-3208, subsection B or section 13-3209, 13-3405, 13-3407, 13-3408, 13-3409, 13-3421 or 13-4702, a neighborhood association that is registered with a city, town or county pursuant to subsection A of this section may receive notice or may invoke rights pursuant to the following sections:
  1. Section 13-4409.
  2. Section 13-4420.
  3. Section 13-4426.
- C. Sections 13-4428, 13-4434 and 13-4436 apply to all matters in which a neighborhood association invokes rights under this section.

- D. If the neighborhood association wishes to invoke victims' rights for a crime as prescribed in subsection B of this section that resulted in an arrest, the person who is registered with the city, town or county pursuant to subsection A of this section shall contact the law enforcement agency responsible for the arrest. The law enforcement agency shall fill out the form prescribed by section 13-4405. Thereafter the neighborhood association, through the contact person, shall be afforded all of the rights listed under subsection B of this section.

### **13-4402. Implementation of rights and duties**

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- A. Except as provided in sections 13-4404 and 13-4405, the rights and duties that are established by this chapter arise on the arrest or formal charging of the person or persons who are alleged to be responsible for a criminal offense against a victim. The rights and duties continue to be enforceable pursuant to this chapter until the final disposition of the charges, including acquittal or dismissal of the charges, all post-conviction release and relief proceedings and the discharge of all criminal proceedings relating to restitution. If a defendant is ordered to pay restitution to a victim, the rights and duties continue to be enforceable until restitution is paid or a criminal restitution order is entered in favor of the victim pursuant to section 13-805.
- B. If a defendant's conviction is reversed and the case is returned to the trial court for further proceedings, the victim has the same rights that were applicable to the criminal proceedings that led to the appeal or other post-conviction relief proceeding.
- C. After the final termination of a criminal prosecution by dismissal with prejudice or acquittal, a person who has received notice and the right to be present and heard pursuant to the victims' rights act, article II, section 2.1, Constitution of Arizona, any implementing legislation or court rule is no longer entitled to such rights.

#### **13-4402.01. Victims' rights; dismissed counts**

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- A. If a criminal offense against a victim has been charged but the prosecution on the count or counts involving the victim has been or is being dismissed as the result of a plea agreement in which the defendant is pleading to or pled to other charges, the victim of the offenses involved in the dismissed counts, on request, may exercise all the applicable rights of a crime victim throughout the criminal justice process as though the count or counts involving the person had not been dismissed.
- B. As to each count that is dismissed, the prosecutor shall notify the probation department if the victim requested the victim's rights pursuant to this chapter.
- C. For each victim who is involved in the dismissed counts and who requested the victim's rights, the prosecutor shall forward to the probation department information within the prosecutor's possession that would enable the probation department to carry out its duties as prescribed by this chapter.

### **13-4403. Inability to exercise rights; lawful representatives; notice; definition**

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- A. If a victim is physically or emotionally unable to exercise any right but is able to designate a lawful representative who is not a bona fide witness, the designated representative may exercise the same rights that the victim is entitled to exercise. The victim may revoke this designation at any time and exercise the victim's rights.
- B. If a victim is incompetent, deceased or otherwise incapable of designating a representative to act in the victim's place, the court may appoint a lawful representative who is not a witness. If at any time the victim is no longer incompetent, incapacitated or otherwise incapable of acting, the victim may personally exercise the victim's rights.

- C. If the victim is a minor or vulnerable adult the victim's parent, child or other immediate family member may exercise all of the victim's rights on behalf of the victim. If the criminal offense is alleged against a member of the minor's or vulnerable adult's immediate family, the victim's rights may not be exercised by that person but may be exercised by another member of the immediate family unless, after considering the guidelines in subsection D of this section, the court finds that another person would better represent the interests of the minor or vulnerable adult for purposes of this chapter.
- D. The court shall consider the following guidelines in appointing a representative for a minor or vulnerable adult victim:
  - 1. Whether there is a relative who would not be so substantially affected or adversely impacted by the conflict occasioned by the allegation of criminal conduct against a member of the immediate family of the minor or vulnerable adult that the relative could not represent the victim.
  - 2. The representative's willingness and ability to do all of the following:
    - (a) Undertake working with and accompanying the minor or vulnerable adult victim through all proceedings, including criminal, civil and dependency proceedings.
    - (b) Communicate with the minor or vulnerable adult victim.
    - (c) Express the concerns of the minor or vulnerable adult victim to those authorized to come in contact with the minor or vulnerable adult as a result of the proceedings.
  - 3. The representative's training, if any, to serve as a minor or vulnerable adult victim's representative.
  - 4. The likelihood of the representative being called as a witness in the case.
- E. The minor or vulnerable adult victim's representative shall accompany the minor or vulnerable adult through all proceedings, including delinquency, criminal, dependency and civil proceedings, and, before the minor's or vulnerable adult's courtroom appearance, shall explain to the minor or vulnerable adult the nature of the proceedings and what the minor or vulnerable adult will be asked to do, including telling the minor or vulnerable adult that the minor or vulnerable adult is expected to tell the truth. The representative shall be available to observe the minor or vulnerable adult in all aspects of the case in order to consult with the court as to any special needs of the minor or vulnerable adult. Those consultations shall take place before the minor or vulnerable adult testifies. The court may recognize the minor or vulnerable adult victim's representative when the representative indicates a need to address the court. A minor or vulnerable adult victim's representative shall not discuss the facts and circumstances of the case with the minor or vulnerable adult witness, unless the court orders otherwise upon a showing that it is in the best interests of the minor or vulnerable adult.
- F. Any notices that are to be provided to a victim pursuant to this chapter shall be sent only to the victim or the victim's lawful representative.
- G. For the purposes of this section, "vulnerable adult" has the same meaning prescribed in section 13-3623.

#### **13-4404. Limited rights of a legal entity**

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- A. A corporation, partnership, association or other legal entity which, except for its status as an artificial entity, would be included in the definition of victim in section 13-4401, shall be afforded the following rights:
  - 1. The prosecutor shall, within a reasonable time after arrest, notify the legal entity of the right to appear and be heard at any proceeding relating to restitution or sentencing of the person convicted of committing the criminal offense against the legal entity.

2. The prosecutor shall notify the legal entity of the right to submit to the court a written statement containing information and opinions on restitution and sentencing in its case.
3. On request, the prosecutor shall notify the legal entity in a timely manner of the date, time and place of any proceeding relating to restitution or sentencing of the person convicted of committing the criminal offense against the legal entity.
4. A lawful representative of the legal entity shall have the right, if present, to be heard at any proceeding relating to the sentencing or restitution of the person convicted of committing the criminal offense against the legal entity.

### **13-4405. Information provided to victim by law enforcement agencies**

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- A. As soon after the detection of a criminal offense as the victim may be contacted without interfering with an investigation or arrest, the law enforcement agency that has responsibility for investigating the criminal offense shall provide the victim with a multicopy form:
  1. That allows the victim to request or waive applicable rights to which the victim is entitled, on request, under this article.
  2. That provides the victim a method to designate a lawful representative if the victim chooses pursuant to section 13-4403, subsection A or section 13-4404.
  3. That provides notice to the victim of all of the following information:
    - (a) The victim's right under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, to be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse throughout the criminal or juvenile justice process.
    - (b) The availability, if any, of crisis intervention services and emergency and medical services and, where applicable, that medical expenses arising out of the need to secure evidence may be reimbursed pursuant to section 13-1414.
    - (c) In cases of domestic violence, the procedures and resources available for the protection of the victim pursuant to section 13-3601.
    - (d) The names and telephone numbers of public and private victim assistance programs, including the county victim compensation program and programs that provide counseling, treatment and other support services.
    - (e) The police report number, if available, other identifying case information and the following statement:

If within thirty days you are not notified of an arrest in your case, you may call (the law enforcement agency's telephone number) for the status of the case.
    - (f) Whether the suspect is an adult or juvenile, a statement that the victim will be notified by the law enforcement agency at the earliest opportunity after the arrest of a suspect.
    - (g) If the suspect is an adult and has been arrested, the victim's right, on request, to be informed of the suspect's release, of the next regularly scheduled time, place and date for initial appearances in the jurisdiction and of the victim's right to be heard at the initial appearance and that, to exercise these

rights, the victim is advised to contact the custodial agency regarding the suspect's release and to contact the court regarding any changes to the initial appearance schedule.

- (h) If the victim chooses to exercise the right to be heard through a written statement, how that statement may be submitted to the court.
  - (i) That the victim or the immediate family member of the victim, if the victim is killed or incapacitated, has the right to receive one copy of the police report from the investigating law enforcement agency at no charge pursuant to section 39-127.
- B. If at the time of contact with a law enforcement agency the victim is physically or emotionally unable to request or waive applicable rights, the law enforcement agency shall designate this on the multicopy form and the entities that may be subsequently affected shall presume that the victim invoked the victim's right to request applicable rights to which the victim is entitled, on request, unless the victim later waives those rights.
- C. The law enforcement agency shall submit a copy of the victim's request or waiver of preconviction rights form to the custodial agency and a copy to the prosecutor if a suspect is arrested, at the time the suspect is taken into custody. If there is no arrest, the form copies shall be submitted to the prosecutor at the time the case is otherwise presented to the prosecutor for review. The prosecutor shall submit a copy of the victim's request or waiver of preconviction rights form to the departments or sections of the prosecutor's office, if applicable, that are mandated by this article to provide victims' rights services on request.
- D. If the suspected offender is cited and released, the law enforcement agency responsible for investigating the offense shall inform the victim of the court date and how to obtain additional information about the subsequent criminal proceedings.
- E. Law enforcement agencies within a county may establish different procedures designed to efficiently and effectively provide notice of the victim's rights pursuant to this section and notice to affected entities of the victim request or waiver information. If different procedures are established, the procedures shall:
  - 1. Be reported to the entities within a county affected by the procedures and reported to the attorney general.
  - 2. Be designed so that custodial agencies and prosecutors within a county receive notice of the victim's request or waiver of the victim's preconviction rights at the same time that an adult suspect is arrested.
  - 3. Be designed so that prosecutors within a county receive notice of the victim's request or waiver of the victim's preconviction rights, if there is no arrest, at the same time that the case is otherwise presented to the prosecutor for review.
  - 4. Provide that the notice to affected entities of a victim's request or waiver of the victim's preconviction rights includes information that affords the affected entity the ability to contact the victim.
  - 5. Be supported by use of brochures, forms or other written materials that are developed by the law enforcement agencies within a county and reviewed by the attorney general pursuant to section 13-4417, subsection B.
- F. If a suspect has not been arrested at the time of contact with the victim pursuant to subsection A of this section, the law enforcement agency that is responsible for investigating the offense shall notify the victim of the arrest of a suspect at the earliest opportunity after the arrest and of the time, place and date for the initial appearance.



### **13-4405.01. Issuance and execution of arrest warrants**

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- A. Beginning on the effective date of this section, on the issuance of an arrest warrant, the court issuing the warrant shall state in the warrant whether the person named in the warrant is to be arrested for or is to be charged with committing a criminal offense as defined in section 13-4401 or is materially related to a criminal offense as defined in section 13-4401.
- B. On receipt of notice of an arrest or an impending arrest of a suspect and if applicable pursuant to subsection A of this section, the agency that is responsible for holding the original warrant shall notify the law enforcement agency that was responsible for the original investigation of the offense of the impending incarceration of a suspect who is arrested on the law enforcement agency's warrant.
- C. On receiving notice that the warrant was executed pursuant to subsection B of this section, the law enforcement agency that was responsible for the original investigation of the offense shall do all of the following if the victim has requested notice pursuant to section 13-4405:
  - 1. Notify the victim of the arrest and of the time, place and date for the initial appearance.
  - 2. Inform the victim of the telephone number of the custodial agency in which the arrested person is held.
  - 3. Provide the custodial agency with the victim information pursuant to section 13-4405 so that the custodial agency may notify the victim of the release of the suspect pursuant to section 13-4412, if applicable.
- D. A law enforcement agency is not required to provide victim information pursuant to Section 13-4405, subsections C and E to the custodial agency at the time a suspect is taken into custody unless the law enforcement agency that performs that warrant arrest is also the law enforcement agency that was responsible for the original investigation of the offense.
- E. The victim's right to be informed of an arrest or a release after a suspect is arrested pursuant to a warrant applies to warrants that are issued on or after September 1, 1996.
- F. Law enforcement, courts and custodial agencies are not liable pursuant to section 13-4437 for the failure to inform a victim of the arrest or release of a suspect on warrants that were issued before September 1, 1996.

### **13-4406. Notice of initial appearance**

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On becoming aware of the date, time and place of the initial appearance of the accused, the law enforcement agency shall inform the victim of such information unless the accused appeared in response to a summons. In that case, the prosecutor's office shall, on receiving such information, provide the notice to the victim.

### **13-4407. Notice of terms and conditions of release**

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Upon the request of the victim, the custodial agency shall provide a copy of the terms and conditions of release to the victim unless the accused appeared in response to a summons. In that case, upon request of the victim, the prosecutor's office shall, on receiving such information, provide a copy of the terms and conditions of release to the victim.

### **13-4408. Pretrial notice**

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- A. Within seven days after the prosecutor charges a criminal offense by complaint, information or indictment and the accused is in custody or has been served a summons, the prosecutor's office shall give the victim notice of the following:

1. The victim's rights under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, any implementing legislation and court rule.
  2. The charge or charges against the defendant and a clear and concise statement of the procedural steps involved in a criminal prosecution.
  3. The procedures a victim shall follow to invoke his right to confer with the prosecuting attorney pursuant to section 13-4419.
  4. The person within the prosecutor's office to contact for more information.
- B. Notwithstanding the provisions of subsection A of this section, if a prosecutor declines to proceed with a prosecution after the final submission of a case by a law enforcement agency at the end of an investigation, the prosecutor shall, before the decision not to proceed is final, notify the victim and provide the victim with the reasons for declining to proceed with the case. The notice shall inform the victim of his right on request to confer with the prosecutor before the decision not to proceed is final. Such notice applies only to violations of a state criminal statute.

### **13-4409. Notice of criminal proceedings**

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- A. Except as provided in subsection B, the court shall provide notice of criminal proceedings, for criminal offenses filed by information, complaint or indictment, except initial appearances and arraignments, to the prosecutor's office at least five days before a scheduled proceeding to allow the prosecutor's office to provide notice to the victim.
- B. If the court finds that it is not reasonable to provide the five days' notice to the prosecutor's office under subsection A, the court shall state in the record why it was not reasonable to provide five days' notice.
- C. On receiving the notice from the court, the prosecutor's office shall, on request, give notice to the victim in a timely manner of scheduled proceedings and any changes in that schedule, including any continuances.

### **13-4410. Notice of conviction, acquittal or dismissal; impact statement**

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- A. The prosecutor's office shall, on request, give to the victim within fifteen days after the conviction or acquittal or dismissal of the charges against the defendant notice of the criminal offense for which the defendant was convicted or acquitted or the dismissal of the charges against the defendant.
- B. If the defendant is convicted and the victim has requested notice, the victim shall be notified, if applicable, of:
1. The function of the presentence report.
  2. The name and telephone number of the probation department that is preparing the presentence report.
  3. The right to make a victim impact statement under section 13-4424.
  4. The defendant's right to view the presentence report.
  5. The victim's right to view the presentence report except those parts excised by the court or made confidential by law and, on request, to receive a copy from the prosecutor.
  6. The right to be present and be heard at any presentence or sentencing proceeding pursuant to section 13-4426.
  7. The time, place and date of the sentencing proceeding.
  8. If the court orders restitution, the right to file a restitution lien pursuant to section 13-806.

- C. The victim shall be informed that the victim's impact statement may include the following:
1. An explanation of the nature and extent of any physical, psychological or emotional harm or trauma suffered by the victim.
  2. An explanation of the extent of any economic loss or property damage suffered by the victim.
  3. An opinion of the need for and extent of restitution.
  4. Whether the victim has applied for or received any compensation for the loss or damage.
- D. Notice provided pursuant to this section does not remove the probation department's responsibility pursuant to section 12-253 to initiate the contact between the victim and the probation department concerning the victim's economic, physical, psychological or emotional harm. At the time of contact, the probation department shall advise the victim of the date, time and place of sentencing and of the victim's right to be present and be heard at that proceeding.

### **13-4411. Notice of post-conviction review and appellate proceedings**

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- A. Within fifteen days after sentencing the prosecutor's office shall, on request, notify the victim of the sentence imposed on the defendant.
- B. The prosecutor's office shall provide the victim with a form that allows the victim to request post-conviction notice of all post-conviction review and appellate proceedings, all post-conviction release proceedings, all probation modification proceedings that impact the victim, all probation revocation or termination proceedings, any decisions that arise out of these proceedings, all releases and all escapes.
- C. The prosecutor's office shall advise the victim on how the completed request form may be filed with the appropriate agencies and departments.
- D. On request of the victim, the prosecutor's office that is responsible for handling any post-conviction or appellate proceedings immediately shall notify the victim of the proceedings and any decisions that arise out of the proceedings.
- E. Beginning December 1, 2007, the supreme court or court of appeals shall send a victim who requests notice pursuant to this section a copy of the memorandum decision or opinion from the issuing court concurrently with the parties. If the victim is represented by counsel, the notice shall be provided to the victim's counsel.

#### **13-4411.01. Notice of right to request not to receive inmate mail**

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- A. Within fifteen days after a defendant is sentenced to the state department of corrections, the prosecutor's office shall notify the victim of the right of the victim, any member of the victim's family or any member of the victim's household, to request not to receive mail from the inmate who was convicted of committing a criminal offense against the victim. The notice shall:
1. Be made on the postconviction notice request form provided by the prosecutor to the victim pursuant to section 13-4411.
  2. Inform the victim of the right of the victim, or any member of the victim's family or household who is denoted by the victim on the form, to request not to receive mail from the inmate.
  3. Instruct the victim how to file the completed request form with the state department of corrections.

4. Include the following statement:

“If the defendant is incarcerated in the state department of corrections, you have the right to request that the defendant not send you, members of your family or members of the victim’s household mail. If the defendant sends you or your family or household members mail after you have made this request, you or the members of your family or household have the right to report the incident to the state department of corrections for sanctions against the defendant.”

- B. On receipt of a postconviction notice request form in which a request not to receive inmate mail is indicated, the state department of corrections shall notify the inmate of the request and that sending mail to the victim, or the family or household members who are denoted by the victim, will result in appropriate sanctions, including reduction or denial of earned release credits and review of all outgoing mail.
- C. The department shall not knowingly forward mail addressed to any person who requests not to receive mail, pursuant to this section, is not to receive mail.

### **13-4412. Notice of release or escape**

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- A. The sheriff or municipal jailer shall, on request, notify the victim of the release of the accused.
- B. The custodial agency shall immediately give notice to a victim and the prosecutor’s office of an escape by, and again upon the subsequent rearrest of, an incarcerated person who is accused or convicted of committing a criminal offense against the victim. The custodial agency shall give notice by any reasonable means.

### **13-4413. Notice of prisoner’s status**

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- A. If the victim has made a request for post-conviction notice, the director of the state department of corrections shall mail to the victim the following information about a prisoner in the custody of the department of corrections:
  - 1. Within thirty days after the request, notice of the earliest release date of the prisoner if his sentence exceeds six months.
  - 2. At least fifteen days before the prisoner’s release, notice of the release.
  - 3. Within fifteen days after the prisoner’s death, notice of the death.
- B. If the victim has made a request for post-conviction notice, the sheriff having custody of the prisoner shall mail to the victim notice of release at least fifteen days before the prisoner’s release or notice of death within fifteen days after the prisoner’s death.

### **13-4414. Notice of post-conviction release; right to be heard; hearing; final decision**

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- A. The victim has the right to be present and be heard at any proceeding in which post-conviction release from confinement is being considered pursuant to section 31-233, section 31-326 or section 31-411.
- B. If the victim has made a request for post-conviction notice, the board of pardons and paroles shall, at least fifteen days before the hearing, give to the victim written notice of the hearing and of the victim’s right to be present and be heard at the hearing.
- C. If the victim has made a request for post-conviction notice, the board of pardons and paroles shall give to the victim notice of the decision reached by the board. The notice shall be mailed within fifteen days after the board reaches its decision.

### **13-4415. Notice of probation modification, termination or revocation disposition matters; notice of arrest**

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- A. On request of a victim who has provided an address or other contact information, the court shall notify the victim of any of the following:
  - 1. A probation revocation disposition proceeding or any proceeding in which the court is asked to terminate the probation or intensive probation of a person who is convicted of committing a criminal offense against the victim.
  - 2. Any hearing on a proposed modification of the terms of probation or intensive probation.
  - 3. The arrest of a person who is on supervised probation and who is arrested pursuant to a warrant issued for a probation violation.
- B. On request of a victim who has provided a current address or other current contact information, the probation department shall notify the victim of the following:
  - 1. Any proposed modification to any term of probation if the modification affects restitution or incarceration status or the defendant's contact with or the safety of the victim.
  - 2. The victim's right to be heard at a hearing that is set to consider any modification to be made to any term of probation.
  - 3. Any violation of any term of probation that results in the filing with the court of a petition to revoke probation.
  - 4. That a petition to revoke probation alleging that the defendant absconded from probation has been filed with the court.
  - 5. Any conduct by the defendant that raises a substantial concern for the victim's safety.

### **13-4416. Notice of release, discharge or escape from a mental health treatment agency**

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- A. If the victim has made a request for notice, a mental health treatment agency shall mail to the victim at least ten days before the release or discharge of the person accused or convicted of committing a criminal offense against the victim, notice of the release or discharge of the person who is placed by court order in a mental health treatment agency pursuant to section 13-3994, 31-226, 31-226.01, 36-540.01, 36-541.01 or 36-3707.
- B. A mental health treatment agency shall mail to the victim immediately after the escape or subsequent readmission of the person accused or convicted of committing a criminal offense against the victim, notice of the escape or subsequent readmission of the person who is placed by court order in a mental health treatment agency pursuant to section 13-3994, 31-226, 31-226.01, 36-540.01, 36-541.01 or 36-3707.

### **13-4417. Request for notice; forms; notice system**

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- A. The victim shall provide to and maintain with the agency that is responsible for providing notice to the victim a request for notice on a form that is provided by that agency. The form shall include a telephone number and address. If the victim fails to keep the victim's telephone number and address current, the victim's request for notice is withdrawn. At any time the victim may request notice of subsequent proceedings by filing on a request form provided by the agency the victim's current telephone number and address.



- B. All notices provided to a victim pursuant to this chapter shall be on forms developed or reviewed by the attorney general.
- C. The court and all agencies that are responsible for providing notice to the victim shall establish and maintain a system for the receipt of victim requests for notice.

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### **13-4418. Construction of chapter**

This chapter shall be liberally construed to preserve and protect the rights to which victims are entitled.

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### **13-4419. Victim conference with prosecuting attorney**

- A. On request of the victim, the prosecuting attorney shall confer with the victim about the disposition of a criminal offense, including the victim's views about a decision not to proceed with a criminal prosecution, dismissal, plea or sentence negotiations and pretrial diversion programs.
- B. On request of the victim, the prosecuting attorney shall confer with the victim before the commencement of the trial.
- C. The right of the victim to confer with the prosecuting attorney does not include the authority to direct the prosecution of the case.

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### **13-4420. Criminal proceedings; right to be present**

The victim has the right to be present throughout all criminal proceedings in which the defendant has the right to be present.

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### **13-4421. Initial appearance**

The victim has the right to be heard at the initial appearance of the person suspected of committing the criminal offense against the victim.

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### **13-4422. Post-arrest custody decisions**

The victim has the right to be heard at any proceeding in which the court considers the post-arrest release of the person accused of committing a criminal offense against the victim or the conditions of that release.

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### **13-4423. Plea negotiation proceedings**

- A. On request of the victim, the victim has the right to be present and be heard at any proceeding in which a negotiated plea for the person accused of committing the criminal offense against the victim will be presented to the court.
- B. The court shall not accept a plea agreement unless:
  - 1. The prosecuting attorney advises the court that before requesting the negotiated plea reasonable efforts were made to confer with the victim pursuant to section 13-4419.
  - 2. Reasonable efforts are made to give the victim notice of the plea proceeding pursuant to section 13-4409 and to inform the victim that the victim has the right to be present and, if present, to be heard.
  - 3. The prosecuting attorney advises the court that to the best of the prosecutor's knowledge notice requirements of this chapter have been complied with and the prosecutor informs the court of the victim's position, if known, regarding the negotiated plea.

### **13-4424. Impact statement; pre-sentence report**

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- A. The victim may submit a written impact statement or make an oral impact statement to the probation officer for the officer's use in preparing a presentence report.
- B. The probation officer shall consider the economic, physical and psychological impact that the criminal offense has had on the victim and the victim's immediate family pursuant to section 12-253.

### **13-4425. Inspection of pre-sentence report**

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If the presentence report is available to the defendant, the court shall permit the victim to inspect the presentence report, except those parts excised by the court or made confidential by law. If the court excises any portion of the presentence report, it shall inform the parties and the victim of its decision and shall state on the record its reasons for the excision. On request of the victim, the prosecutor's office shall provide to the victim a copy of the presentence report.

### **13-4426. Sentencing**

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(L03, ch 255, sec. 5. Conditionally Eff.)

Notwithstanding any other law or rule, as an exercise of the victim's constitutional right to be heard at sentencing, before the imposition of sentence the victim in any case may address the sentencing authority and present any information or opinions that concern the victim or the victim's family, including the impact of the crime on the victim, the harm caused by the crime, the criminal offense, the defendant, the need for restitution or the sentence to be imposed at every sentencing or disposition proceeding.

### **13-4426. Sentencing**

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(L96, ch 158, sec. 25. Conditionally Rpld.)

- A. The victim may present evidence, information and opinions that concern the criminal offense, the defendant, the sentence or the need for restitution at any aggravation, mitigation, presentencing or sentencing proceeding.
- B. At any disposition proceeding the victim has the right to be present and to address the court.

### **13-4426.01. Sentencing; victims' right to be heard**

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In any proceeding in which the victim has the right to be heard pursuant to article II, section 2.1, Constitution of Arizona, or this chapter, the victim's right to be heard is exercised not as a witness, the victim's statement is not subject to disclosure to the state or the defendant or submission to the court and the victim is not subject to cross-examination. The state and the defense shall be afforded the opportunity to explain, support or deny the victim's statement.

### **13-4427. Probation modification, revocation disposition or termination proceedings**

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- A. The victim has the right to be present and be heard at any probation revocation disposition proceeding or any proceeding in which the court is requested to terminate the probation or intensive probation of a person who is convicted of committing a criminal offense against the victim.
- B. The victim has the right to be heard at any proceeding in which the court is requested to modify the terms of probation or intensive probation of a person if the modification will substantially affect the person's contact with or safety of the victim or if the modification involves restitution or incarceration status.

### **13-4428. Victim's discretion; form of statement**

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- A. It is at the victim's discretion to exercise his rights under this chapter to be present and heard at a court proceeding, and the absence of the victim at the court proceeding does not preclude the court from going forth with the proceeding.
- B. Except as provided in subsection C, a victim's right to be heard may be exercised, at the victim's discretion, through an oral statement, submission of a written statement or submission of a statement through audiotape or videotape.
- C. If a person against whom a criminal offense has been committed is in custody for an offense, the person may be heard by submitting a written statement to the court.

### **13-4429. Return of victim's property; release of evidence**

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- A. On request of the victim and after consultation with the prosecuting attorney, the law enforcement agency responsible for investigating the criminal offense shall return to the victim any property belonging to the victim that was taken during the course of the investigation or shall inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.
- B. If the victim's property has been admitted as evidence during a trial or hearing, the court may order its release to the victim if a photograph can be substituted. If evidence is released pursuant to this subsection, the defendant's attorney or investigator may inspect and independently photograph the evidence before it is released.

### **13-4430. Consultation between crime victim advocate and victim; privileged information; exception**

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- A. A crime victim advocate shall not disclose as a witness or otherwise any communication except compensation or restitution information between himself and the victim unless the victim consents in writing to the disclosure.
- B. Unless the victim consents in writing to the disclosure, a crime victim advocate shall not disclose records, notes, documents, correspondence, reports or memoranda, except compensation or restitution information, that contain opinions, theories or other information made while advising, counseling or assisting the victim or that are based on the communication between the victim and the advocate.
- C. The communication is not privileged if the crime victim advocate knows that the victim will give or has given perjured testimony or if the communication contains exculpatory evidence.
- D. A defendant may make a motion for disclosure of privileged information. If the court finds there is reasonable cause to believe the material is exculpatory, the court shall hold a hearing in camera. Material that the court finds is exculpatory shall be disclosed to the defendant.
- E. If, with the consent of the victim, the crime victim advocate discloses to the prosecutor or a law enforcement agency any communication between the victim and the crime victim advocate or any records, notes, documents, correspondence, reports or memoranda, the prosecutor or law enforcement agent shall disclose such material to the defendant's attorney only if such information is otherwise discoverable.
- F. Notwithstanding subsections A and B, if a crime victim consents either verbally or in writing, a crime victim advocate may disclose information to other professionals and administrative support persons that the advocate works with for the purpose of assisting the advocate in providing services to the victim.

### **13-4431. Minimizing victim's contacts**

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Before, during and immediately after any court proceeding, the court shall provide appropriate safeguards to minimize the contact that occurs between the victim, the victim's immediate family and the victim's witnesses and the defendant, the defendant's immediate family and defense witnesses.

### **13-4432. Motion to revoke bond or personal recognizance**

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If the prosecutor decides not to move to revoke the bond or personal recognizance of the defendant, the prosecutor shall inform the victim that the victim may petition the court to revoke the bond or personal recognizance of the defendant based on the victim's notarized statement asserting that harassment, threats, physical violence or intimidation against the victim or the victim's immediate family by the defendant or on behalf of the defendant has occurred.

### **13-4433. Victim's right to refuse an interview; applicability**

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- A. Unless the victim consents, the victim shall not be compelled to submit to an interview on any matter, including any charged criminal offense witnessed by the victim and that occurred on the same occasion as the offense against the victim, or filed in the same indictment or information or consolidated for trial, that is conducted by the defendant, the defendant's attorney or an agent of the defendant.
- B. The defendant, the defendant's attorney or an agent of the defendant shall only initiate contact with the victim through the prosecutor's office. The prosecutor's office shall promptly inform the victim of the defendant's request for an interview and shall advise the victim of the victim's right to refuse the interview.
- C. The prosecutor shall not be required to forward any correspondence from the defendant, the defendant's attorney or an agent of the defendant to the victim or the victim's representative.
- D. If the victim consents to an interview, the prosecutor's office shall inform the defendant, the defendant's attorney or an agent of the defendant of the time and place the victim has selected for the interview. If the victim wishes to impose other conditions on the interview, the prosecutor's office shall inform the defendant, the defendant's attorney or an agent of the defendant of the conditions. The victim has the right to terminate the interview at any time or to refuse to answer any question during the interview. The prosecutor has standing at the request of the victim to protect the victim from harassment, intimidation or abuse and, pursuant to that standing, may seek any appropriate protective court order.
- E. Unless otherwise directed by the victim, the prosecutor may attend all interviews. If a transcript or tape recording of the interview is made and on request of the prosecutor, the prosecutor shall receive a copy of the transcript or tape recording at the prosecutor's expense.
- F. If the defendant or the defendant's attorney comments at trial on the victim's refusal to be interviewed, the court shall instruct the jury that the victim has the right to refuse an interview under the Arizona Constitution.
- G. For the purposes of this section, a peace officer shall not be considered a victim if the act that would have made the officer a victim occurs while the peace officer is acting in the scope of the officer's official duties.

#### **Validity**

Subsection relating to rights of peace-officer victims has been held unconstitutional; in the case of *State v. Roscoe* (1996) 185 Ariz. 68, 912 P.2d 1297

- H. This section applies to the parent or legal guardian of a minor child who exercises victims' rights on behalf of the minor child.

### **13-4434. Victim's right to privacy; exception**

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- A. The victim has the right at any court proceeding not to testify regarding the victim's addresses, telephone numbers, places of employment or other locating information unless the victim consents or the court orders disclosure on finding that a compelling need for the information exists. A court proceeding on the motion shall be in camera.
- B. A victim's contact and identifying information that is obtained, compiled or reported by a law enforcement agency shall be redacted by the originating agency in publicly accessible records pertaining to the criminal case involving the victim.
- C. Subsection B does not apply to:
  - 1. The victim's name.
  - 2. Any records that are transmitted between law enforcement and prosecution agencies or a court.
  - 3. Any records if the victim has consented to the release of the information.
  - 4. The address or location at which the reported crime occurred.

### **13-4435. Speedy trial; continuance; notice**

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- A. In any criminal proceeding, the court, prosecutor and law enforcement officials shall take appropriate action to ensure a speedy trial for the victim.
- B. The prosecutor shall make reasonable efforts to notify a victim of any request for a continuance, except that if the victim is represented by counsel who has filed a notice of appearance, the court, if the request for a continuance is in writing, shall make reasonable efforts to notify the victim's counsel in the same manner in which a party is notified.
- C. A motion to continue shall be in writing unless the court makes a finding on the record that exigent circumstances exist to permit an oral motion.
- D. The court shall grant a continuance only if extraordinary circumstances exist and the delay is indispensable to the interests of justice. A continuance may be granted only for the time necessary to serve the interests of justice.
- E. Subsections B, C and D do not apply to justice of the peace and municipal courts.
- F. Before ruling on a motion for a continuance, the court shall consider the victim's views and the victim's right to a speedy trial. If a continuance is granted, the court shall state on the record the specific reason for the continuance.

### **13-4436. Effect of failure to comply**

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- A. The failure to comply with a victim's constitutional or statutory right is a ground for the victim to request a reexamination proceeding within ten days of the proceeding at which the victim's right was denied or with leave of the court for good cause shown. After the victim requests a reexamination proceeding and after the court gives reasonable notice, the court shall afford the victim a reexamination proceeding to consider the issues raised by the denial of the victim's right. Except as provided in subsection B, the court shall reconsider any decision that arises from a proceeding in which the victim's right was not protected and shall ensure that the victim's rights are thereafter protected.



- B. The failure to use reasonable efforts to perform a duty or provide a right is not cause to seek to set aside a conviction after trial. Failure to afford a right under this chapter shall not provide grounds for a new trial. A victim who was given notice of a plea or sentencing proceeding may make a motion to reopen a plea or sentence only if the victim was not voluntarily absent from the proceeding and has asserted the right to be heard before or during the proceeding at issue and the right to be heard was denied and, in the case of a plea, the accused has not pled to the highest offense charged. This subsection does not affect the victim's right to restitution, which the victim may seek to enforce at any time.
- C. Unless the prisoner is discharged from the prisoner's sentence, the failure to use reasonable efforts to provide notice and a right to be present or be heard pursuant to this chapter at a proceeding that involves a post-conviction release is a ground for the victim to seek to set aside the post-conviction release until the victim is afforded the opportunity to be present or be heard.
- D. If the victim seeks to have a post-conviction release set aside pursuant to subsection C, the court, board of executive clemency or state department of corrections shall afford the victim a reexamination proceeding after the parties are given notice.
- E. A reexamination proceeding conducted pursuant to this section or any other proceeding that is based on the failure to perform a duty or provide a right shall commence not more than thirty days after the appropriate parties have been given notice that the victim is exercising the right to a reexamination proceeding pursuant to this section or to another proceeding based on the failure to perform a duty or provide a right.

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### **13-4437. Standing to invoke rights; recovery of damages; right to counsel**

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- A. The victim has standing to seek an order, to bring a special action or to file a notice of appearance in an appellate proceeding seeking to enforce any right or to challenge an order denying any right guaranteed to victims under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, any implementing legislation or court rules. In asserting any right, the victim has the right to be represented by personal counsel at the victim's expense.
- B. A victim has the right to recover damages from a governmental entity responsible for the intentional, knowing or grossly negligent violation of the victim's rights under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, any implementing legislation or court rules. Nothing in this section alters or abrogates any provision for immunity provided for under common law or statute.
- C. At the request of the victim, the prosecutor may assert any right to which the victim is entitled.
- D. On the filing of a notice of appearance and if present, counsel for the victim shall be included in all bench conferences and in chambers meetings and sessions with the trial court that directly involve a victim's right enumerated in article II, section 2.1, Constitution of Arizona.

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### **13-4438. Statement of rights**

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In order to assure that any victim who comes before the court has been advised of the victim's constitutional rights, at the daily commencement of the regular criminal docket at which accused persons are arraigned, appear for a status conference, make a change of plea or are sentenced, a judge of the superior court shall make the following statement:

If you are the victim of a crime with a case pending before this court, you are advised that you have rights to justice and due process under Arizona law that, among others, include the right to be treated with fairness, respect and dignity, to a speedy trial and a prompt and final conclusion of the case, to be present at court proceedings, to choose whether or not to be interviewed by the defendant or the defendant's attorney, to be

heard before the court makes a decision on release, negotiation of a plea, scheduling and sentencing and to receive restitution from a person who is convicted of causing your loss. If you have not already been provided with a written statement of all victims' rights, please contact the victim services division of the prosecutor's office.

### **13-4439. Right to leave work; scheduled proceedings; counseling; employment rights; nondiscrimination; confidentiality; definition**

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- A. An employer who has fifty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of that employer, shall allow an employee who is a victim of a crime to leave work to:
  - 1. Exercise the employee's right to be present at a proceeding pursuant to sections 13-4414, 13-4420, 13-4421, 13-4422, 13-4423, 13-4426, 13-4427 and 13-4436.
  - 2. Obtain or attempt to obtain an order of protection, an injunction against harassment or any other injunctive relief to help ensure the health, safety or welfare of the victim or the victim's child.
- B. An employer may not dismiss an employee who is a victim of a crime because the employee exercises the right to leave work pursuant to subsection A of this section.
- C. An employer is not required to compensate an employee who is a victim of a crime when the employee leaves work pursuant to subsection A of this section.
- D. If an employee leaves work pursuant to subsection A of this section, the employee may elect to use or an employer may require the employee to use the employee's accrued paid vacation, personal leave or sick leave.
- E. An employee who is a victim of a crime shall not lose seniority or precedence while absent from employment pursuant to subsection A of this section.
- F. Before an employee may leave work pursuant to subsection A of this section, the employee shall do all of the following:
  - 1. Provide the employer with a copy of the form provided to the employee by the law enforcement agency pursuant to section 13-4405, subsection A, the information the law enforcement agency provides to the employee pursuant to section 13-4405, subsection E, a court order the employee is subject to or any other proper documentation.
  - 2. If applicable, give the employer a copy of the notice of each scheduled proceeding that is provided to the victim by the agency that is responsible for providing notice to the victim.
- G. It is unlawful for an employer or an employer's agent to refuse to hire or employ, to bar or to discharge from employment or to discriminate against an individual in compensation or other terms, conditions or privileges of employment because the individual exercises the right to leave work pursuant to subsection A of this section.
- H. Employers shall keep confidential records regarding the employee's leave pursuant to this section.
- I. An employer may limit the leave provided under this section if the employee's leave creates an undue hardship to the employer's business.

- J. The prosecutor shall inform the victim of the victim's rights pursuant to this section. A victim may notify the prosecutor if exercising the victim's right to leave under this section would create an undue hardship for the victim's employer. The prosecutor shall communicate the notice to the court during the scheduling of proceedings where the victim has the right to be present. The court shall continue to take the victim's schedule into consideration when scheduling a proceeding pursuant to subsection A of this section.
- K. For the purposes of this section, "undue hardship" means a significant difficulty and expense to a business and includes the consideration of the size of the employer's business and the employer's critical need of the employee.

## OTHER VICTIM RELATED STATUTES

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### 12-511. Civil action arising from criminal conduct; definitions

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- A. Notwithstanding sections 12-505 and 12-542, if a defendant is charged by a criminal complaint or indictment the statute of limitations for any civil cause of action that is brought by a victim against the defendant for criminal conduct against the victim is extended for one year from the final disposition of the criminal proceedings, regardless of whether the defendant is convicted of criminal conduct against the victim.
- B. There is no duty under a policy of insurance to defend or indemnify for any loss resulting from criminal conduct if the civil action is not commenced within the time period that would be applicable without any tolling or extension of the statute of limitations pursuant to this section.
- C. This section does not toll or extend any statute of limitations applicable to a civil cause of action brought against the employer or former employer of any defendant who is subject to this section.
- D. This section does not shorten any other applicable tolling provisions.
- E. In any action brought pursuant to this section, the standard of proof is by the preponderance of the evidence.
- F. This section applies to all cases in which the victim files a civil action within one year after the final disposition of the defendant's criminal proceedings, regardless of when the defendant committed the criminal conduct.
- G. For the purposes of this section:
  - 1. "Civil cause of action" means any civil claim that the victim could have brought against the defendant for criminal conduct committed against the victim regardless of whether any of these incidents was criminally prosecuted.
  - 2. "Criminal conduct":
    - (a) Means any act, including all preparatory offenses, in violation of section 13-1103, 13-1104, 13-1105, 13-1202, 13-1203, 13-1204, 13-1208, 13-1304, 13-1404, 13-1405, 13-1406, 13-1410, 13-1417, 13-2314.04, 13-2915, 13-2916, 13-2921, 13-2921.01, 13-3019, 13-3552, 13-3553, 13-3554, 13-3601 or 13-3601.02.
    - (b) Includes any act involving sexual assault of a spouse that was committed before the effective date of this amendment to this section.
  - 3. "Defendant" means a natural person.
  - 4. "Final disposition" has the same meaning prescribed in sections 8-382 and 13-4401.
  - 5. "Victim" has the same meaning prescribed in sections 8-382 and 13-4401.

### 13-805. Jurisdiction

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- A. The trial court shall retain jurisdiction of the case for purposes of modifying the manner in which court-ordered payments are made until paid in full or until the defendant's sentence expires. At the time the defendant completes the defendant's period of probation or the defendant's sentence, the court shall enter both:
  - 1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
  - 2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.
- B. The clerk of the court shall notify each person who is entitled to restitution of the criminal restitution order.

- C. A criminal restitution order may be recorded and enforced as any civil judgment, except that a criminal restitution order does not require renewal pursuant to section 12-1611 or 12-1612. Enforcement of a criminal restitution order by any person who is entitled to restitution or by the state includes the collection of interest that accrues pursuant to section 44-1201 in the same manner as any civil judgment. A criminal restitution order does not expire until paid in full.
- D. A criminal restitution order is a criminal penalty for the purposes of a federal bankruptcy involving the defendant.

**13-1415. Human immunodeficiency virus and sexually transmitted disease testing; victim's rights; petition; definitions**

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- A. A defendant, including a defendant who is a minor, who is alleged to have committed a sexual offense or another offense involving significant exposure is subject to a court order that requires the defendant to submit to testing for the human immunodeficiency virus and other sexually transmitted diseases and to consent to the release of the test results to the victim.
- B. Pursuant to subsection A of this section, the prosecuting attorney, if requested by the victim, or, if the victim is a minor, by the parent or guardian of the minor, shall petition the court for an order requiring that the person submit a specimen, to be determined by the submitting entity, for laboratory testing by the department of health services or another licensed laboratory for the presence of the human immunodeficiency virus and other sexually transmitted diseases. The court, within ten days, shall determine if sufficient evidence exists to indicate that significant exposure occurred. If the court makes this finding or the act committed against the victim is a sexual offense it shall order that the testing be performed in compliance with rules adopted by the department of health services. The prosecuting attorney shall provide the victim's name and last known address of record to the department of health services for notification purposes. The victim's name and address are confidential, except that the department of health services may disclose the information to a local health department for victim notification purposes.
- C. After a specimen has been tested pursuant to subsection B of this section, the laboratory that performed the test shall report the results to the submitting entity.
- D. The submitting entity shall provide the results to the department of health services or a local health department. The department of health services or a local health department shall notify the victim of the results of the test conducted pursuant to subsection B of this section and shall counsel the victim regarding the health implications of the results.
- E. The submitting entity or the department of health services shall notify the person tested of the results of the test conducted pursuant to subsection B of this section and shall counsel the person regarding the health implications of the results. If the submitting entity does not notify the person tested of the test results, the submitting entity shall provide both the name and last known address of record of the person tested and the test results to the department of health services or a local health department for notification purposes.
- F. Notwithstanding any other law, copies of the test results shall be provided only to the victim of the crime, the person tested, the submitting entity and the department of health services.
- G. For the purposes of this section:
  - 1. "Sexual offense" means oral sexual contact, sexual contact or sexual intercourse as defined in section 13-1401.
  - 2. "Sexually transmitted diseases" means:
    - (a) Chlamydia.
    - (b) Genital herpes.
    - (c) Gonorrhea.
    - (d) Syphilis.
    - (e) Trichomonas.

3. “Significant exposure” means contact of the victim’s ruptured or broken skin or mucous membranes with a person’s blood or body fluids, other than tears, saliva or perspiration, of a magnitude that the centers for disease control have epidemiologically demonstrated can result in transmission of the human immunodeficiency virus.
4. “Submitting entity” means one of the following:
  - (a) A local health department.
  - (b) A health unit of the state department of corrections.
  - (c) A health unit of any detention facility.
  - (d) A physician licensed pursuant to title 32, chapter 13, 17 or 29.

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**13-4042. Appellate proceedings; request for extension; victim notification**

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- A. In any appellate proceeding in a capital case in which an extension of the time to file a brief is requested, the victim, after filing a notice of appearance, has a right to respond to the request for extension within ten days after the filing of the request.
- B. On the filing of a notice of appearance, the victim shall serve a copy on the state and the defendant.
- C. The victim may exercise the right to respond through the state.
- D. The party that requests the extension shall provide notice of the request to the victim in a manner prescribed by the court.
- E. This section does not provide any party or the victim with a right to oral argument.

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**13-4234.01. Post-conviction relief proceedings; request for extension; victim notification**

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- A. In any post-conviction relief proceeding in a capital case in which an extension of the time to file a brief is requested, the victim, after filing a notice of appearance, has a right to respond to the request for extension within ten days after the filing of the request.
- B. On the filing of a notice of appearance, the victim shall serve a copy on the state and the defendant.
- C. The victim may exercise the right to respond through the state.
- D. The party that requests the extension shall provide notice of the request to the victim in a manner prescribed by the court.
- E. This section does not provide any party or the victim with a right to oral argument.

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**31-403. Commutation; restrictions on consideration**

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- A. A person who is otherwise eligible for commutation and who is denied a commutation of sentence recommendation shall not petition or be considered by the board for commutation of that sentence for a period of five years following the date of the board’s denial of the commutation recommendation if the offense for which the commutation recommendation was denied involved any of the following:
  1. Death in violation of section 13-1104 or 13-1105.
  2. Serious physical injury if the person was sentenced pursuant to section 13-704.
  3. A dangerous crime against children as defined in section 13-705.
  4. A felony offense in violation of title 13, chapter 14 or 35.1.



- B. Notwithstanding subsection A, paragraph 2 of this section, if, in its sole discretion, the board determines that the person committed an offense that involved serious physical injury as defined in section 13-105 and that the person was not sentenced pursuant to section 13-704, the board may order that the person shall not petition or be considered by the board for commutation of that sentence for a period of five years following the date of the board's denial of the commutation recommendation.
- C. Notwithstanding subsection A or B of this section, the board, at the time of denial, may lengthen the five year period of time prescribed in subsection A or B of this section to a period of up to ten years, except that if the offense for which commutation was denied involved a violation of an offense listed in subsection A, paragraph 1 of this section, the board may lengthen the period of time to a period of time that is greater than ten years and that is specified by the board by one of the following votes:
  - 1. A majority affirmative vote if four or more members consider the action.
  - 2. A unanimous affirmative vote if three members consider the action.
  - 3. A unanimous affirmative vote if two members consider the action pursuant to section 31-401, subsection I and the chairman concurs after reviewing the information considered by the two members. If the chairman is one of the two members constituting a two member quorum under section 31-401, subsection I, and both the chairman and the other member vote to lengthen the five year period to a period of time greater than ten years, no further action shall be taken and the decision on whether to lengthen the five year period shall be considered by the board at a meeting at which at least three members are present and voting.
- D. The board may waive the provisions of subsections A, B and C of this section if any of the following applies:
  - 1. The person is in imminent danger of death due to a medical condition, as determined by the board.
  - 2. The person is the subject of a warrant of execution.
  - 3. The sentence for which commutation is sought is the subject of a special order issued by the court pursuant to section 13-603, subsection L.
- E. This section applies only to offenses that are committed on or after January 1, 2006.

#### **13-4071. Subpoena; issuance; duty of clerk**

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- A. The process by which attendance of a witness before a court or magistrate is required is a subpoena.
- B. The subpoena may be signed and issued:
  - 1. By a magistrate before whom a complaint is laid for witnesses, either on behalf of the state or the defendant.
  - 2. By the county attorney, attorney general, municipal prosecutor or city prosecutor for witnesses to appear before the grand jury, or for witnesses on a complaint, indictment or information to appear before the court in which the complaint, indictment or information is to be heard or tried or by the county attorney, attorney general, municipal prosecutor or city prosecutor for witnesses requested by a grand jury.
  - 3. By the clerk of the court in which an indictment or information is to be tried, or by the clerk as authorized in subsection C.
- C. The clerk of the court or the clerk's designee, on request of the county attorney or attorney general, shall issue a subpoena for witnesses to appear before the grand jury, without prior authorization by a grand jury, if all of the following occur:
  - 1. A duly impaneled grand jury is sworn and is in existence at the time of the issuance of the subpoena.
  - 2. The county attorney or attorney general designates the subpoena with the standard identifying grand jury number.

3. The county attorney or attorney general reports to the foreman of the grand jury, or in the foreman's absence the acting foreman, the fact of the issuance of the subpoena within ten days following its issuance or, if the grand jury is in recess, at the first succeeding session of the grand jury after the expiration of the ten day period.
  4. The county attorney or attorney general reports to the presiding judge of the superior court the fact of the issuance of the subpoena within ten days following its issuance.
- D. The clerk, at any time, on application of the defendant, and without charge, shall issue as many blank subpoenas, subscribed by the clerk as clerk, for witnesses as the defendant requires. Blank subpoenas shall not be used to procure discovery in a criminal case, including to access the records of a victim. Records relating to recovered memories or disassociated memories may be subject to subpoena only if the state seeks to introduce evidence of the victim's recovered or disassociated memory, the records are not otherwise privileged and the court approves the subpoena after a hearing. The victim shall be given notice of and the right to be heard at any proceeding involving a subpoena for records of the victim from a third party.

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### **39-127. Free copies of police reports for crime victims; definitions**

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- A. A victim of a criminal offense that is a part I crime under the statewide uniform crime reporting program or an immediate family member of the victim if the victim is killed or incapacitated has the right to receive one copy of the police report from the investigating law enforcement agency at no charge and, on request of the victim, the court or the clerk of the court shall provide, at no charge, the minute entry or portion of the record of any proceeding in the case that arises out of the offense committed against the victim and that is reasonably necessary for the purpose of pursuing a claimed victim's right.
- B. For the purposes of this section, "criminal offense", "immediate family" and "victim" have the same meanings prescribed in section 13-4401.

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### **41-2407. Victim compensation and assistance fund; subrogation**

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- A. The victim compensation and assistance fund is established. The Arizona criminal justice commission shall administer the fund. The victim compensation and assistance fund shall consist of victim compensation monies collected pursuant to section 12-116.01 and distributed pursuant to section 41-2401, subsection D, paragraph 14, victim assistance monies collected pursuant to section 31-411, subsection E, section 31-418 and section 31-467.06, unclaimed victim restitution monies pursuant to section 44-313 and monies available from any other source.
- B. Subject to legislative appropriation, the Arizona criminal justice commission shall allocate monies in the victim compensation and assistance fund to public and private agencies for the purpose of establishing, maintaining and supporting programs that compensate and assist victims of crime. Not more than fifty per cent of the monies distributed statewide for victim assistance shall be allocated to the governmental agencies or public officers specified in section 41-2404, subsection A and to the governmental agencies or public officers specified in section 41-2404, subsection B.
- C. The allocation of monies pursuant to this section shall be made in accordance with rules adopted by the Arizona criminal justice commission pursuant to section 41-2405, subsection A, paragraph 8. The rules shall provide that persons who suffered personal injury or death that resulted from an attempt to aid a public safety officer in the prevention of a crime or the apprehension of a criminal may be eligible for compensation.
- D. This state and the applicable operational unit or qualified program, as defined in the victim compensation program rules, are subrogated to the rights of an individual who receives monies from the victim compensation and assistance fund to recover or receive monies or benefits from a third party, to the extent of the amount of monies the individual receives from the fund.

## Victims' Rights for Juvenile Offenses

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### 8 381. Applicability

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This article applies to acts that are committed by a juvenile and that if committed by an adult would be either:

1. A misdemeanor offense involving physical injury, the threat of physical injury or a sexual offense.
2. A felony offense.

### 8 382. Definitions

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In this article, unless the context otherwise requires:

1. “**Accused**” means a juvenile who is referred to juvenile court for committing a delinquent act.
2. “**Appellate proceeding**” means any contested matter before the state court of appeals, the state supreme court, a federal court of appeals or the United States supreme court.
3. “**Arrest**” means the actual custodial restraint or temporary custody of a person.
4. “**Court**” means the juvenile division of the superior court when exercising its jurisdiction over children in any proceeding relating to delinquency.
5. “**Crime victim advocate**” means a person who is employed or authorized by a public entity or a private entity that receives public funding primarily to provide counseling, treatment or other supportive assistance to crime victims.
6. “**Custodial agency**” means any law enforcement officer or agency, a sheriff, a county juvenile detention center, the department of juvenile corrections or a secure mental health facility that has custody of a person who is arrested or in custody for a delinquent or incorrigible offense.
7. “**Delinquency proceeding**” means any hearing, argument or other matter that is scheduled or held by a juvenile court judge, commissioner or hearing officer and that relates to an alleged or adjudicated delinquent offense.
8. “**Delinquent**” means a child who is adjudicated to have committed a delinquent act.
9. “**Delinquent act**” means an act to which this article applies pursuant to section 8-381.
10. “**Detention hearing**” means the accused’s initial appearance before the court to determine release before adjudication.
11. “**Final disposition**” means the ultimate termination of the delinquency proceeding by a court, including dismissal, acquittal, transfer to adult court or imposition of a disposition after an adjudication for a delinquent offense.
12. “**Immediate family**” means a victim’s spouse, parent, child, sibling, grandparent or lawful guardian.
13. “**Juvenile defendant**” means a juvenile against whom a petition is filed seeking to have the juvenile adjudicated delinquent.
14. “**Lawful representative**” means a person who is designated by the victim or appointed by the court and who will act in the best interests of the victim.
15. “**Post adjudication release**” means release on probation, intensive probation, work furlough, community supervision or home detention, release on conditional liberty pursuant to section 41-2818 by the department of juvenile corrections or any other permanent, conditional or temporary release from confinement, discharge

or completion of commitment by the department of juvenile corrections, a sheriff, a municipal jail, a juvenile detention center, a residential treatment facility or a secure mental health facility.

16. **“Post adjudication review hearing”** means a hearing that is held in open court and that involves a request by the juvenile for review of a disposition.
17. **“Post arrest release”** means the discharge of the accused from confinement.
18. **“Release”** means no longer in the custody of the custodial agency and includes transfer from one custodial agency to another custodial agency.
19. **“Rights”** means any right granted to the victim by the laws of this state.
20. **“Victim”** means a person against whom the delinquent act was committed, or if the person is killed or incapacitated, the person’s spouse, parent, child, grandparent or sibling, any other person related to the person by consanguinity or affinity to the second degree or any other lawful representative of the person, except if the person or the person’s spouse, parent, child, grandparent, sibling, other person related to the person by consanguinity or affinity to the second degree or other lawful representative is in custody for an offense or is the accused.

### **8 383. Implementation of rights and duties**

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- A. Except as provided in sections 8-385 and 8-386, the rights and duties that are established by this article arise on the arrest or formal charging of a juvenile who is alleged to be responsible for a delinquent act against a victim. The rights and duties continue to be enforceable pursuant to this article until the final disposition of the charges, including acquittal or dismissal of the charges, all postadjudication release, review and appellate proceedings and the discharge of all proceedings related to restitution. If a delinquent is ordered to pay restitution to a victim, the rights and duties continue to be enforceable until restitution is paid or a judgment is entered in favor of the victim pursuant to section 8-344.
- B. After the final termination of a delinquency proceeding by dismissal or acquittal, a person who has received notice and has the right to be present and be heard pursuant to the victims’ bill of rights, article II, section 2.1, Constitution of Arizona, this article or any court rule is no longer entitled to those rights.

#### **8-383.01. Victims’ rights; dismissed counts**

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- A. If a criminal offense against a victim has been charged but the prosecution on the count or counts involving the victim has been or is being dismissed as the result of a plea agreement in which the defendant is pleading to or pled to other charges, the victim of the offenses involved in the dismissed counts, on request, may exercise all the applicable rights of a crime victim throughout the criminal justice process as though the count or counts involving the person had not been dismissed.
- B. As to each count that is dismissed, the prosecutor shall notify the probation department if the victim requested the victim’s rights pursuant to this article.
- C. For each victim who is involved in the dismissed counts and who requested the victim’s rights, the prosecutor shall forward to the probation department information within the prosecutor’s possession that would enable the probation department to carry out its duties as prescribed by this article.

### **8 384. Inability to exercise rights; designation of others; notice; representative for a minor**

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- A. If a victim is physically or emotionally unable to exercise any right but is able to designate a lawful representative who is not a bona fide witness, the designated person may exercise the same rights that the victim is entitled to exercise. The victim may revoke this designation at any time and exercise the victim’s rights.
- B. If a victim is incompetent, deceased or otherwise incapable of designating another person to act in the victim’s place, the court may appoint a lawful representative who is not a witness. If at any time the victim is no longer incompetent, incapacitated or otherwise incapable of acting, the victim may personally exercise the victim’s rights.

- C. If the victim is a minor the victim's parent or other immediate family member may exercise all of the victim's rights on behalf of the victim. If the delinquent act is alleged against a member of the minor's immediate family, these rights may not be exercised by that person but may be exercised by another member of the immediate family unless the court, after considering the guidelines in subsection D, finds that another person would better represent the interests of the minor.
- D. The court shall consider the following guidelines in appointing a representative for a minor:
1. If the minor has a relative who would not be so substantially affected or adversely impacted by the conflict resulting from the allegation of a delinquent act against a member of the immediate family of the minor that the representative could not represent the victim.
  2. The representative's willingness and ability to do all of the following:
    - (a) Undertake working with and accompanying the minor victim through all proceedings, including delinquency, civil and dependency proceedings.
    - (b) Communicate with the minor victim.
    - (c) Express the concerns of the minor to those authorized to come in contact with the minor as a result of the proceedings.
  3. The representative's training, if any, to serve as a minor's representative.
  4. The likelihood of the representative being called as a witness in the case.
- E. The minor's representative shall accompany the minor victim through all proceedings, including delinquency, criminal, dependency and civil proceedings, and, before the minor's courtroom appearance, shall explain to the minor the nature of the proceedings and what the minor will be asked to do, including telling the minor that the minor is expected to tell the truth. The representative shall be available to observe the minor in all aspects of the case in order to consult with the court as to any special needs of the minor. Those consultations shall take place before the minor testifies. The court may recognize the minor's representative when the representative indicates a need to address the court. A minor's representative shall not discuss the facts and circumstances of the case with the minor witness, unless the court orders otherwise on a showing that it is in the best interests of the minor.
- F. Any notices that are to be provided to a victim pursuant to this article shall be sent only to the victim or the victim's lawful representative.

### **8 385. Limited rights of a legal entity**

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Any corporation, partnership, association or other legal entity that, except for its status as an artificial entity, would be included in the definition of victim in section 8-382 shall be afforded the following rights:

1. Within a reasonable time after arrest, the prosecutor shall notify the legal entity of the right to appear and be heard at any proceeding relating to restitution or disposition of the delinquent.
2. The prosecutor shall notify the legal entity of the right to submit to the court a written statement containing information and opinions on restitution and disposition in its case.
3. On request, the prosecutor shall notify the legal entity in a timely manner of the date, time and place of any proceeding relating to restitution or disposition of the delinquent.
4. A lawful representative of the legal entity has the right, if present, to be heard at any proceeding relating to restitution or disposition of the delinquent.

### **8 385.01. Victims' rights for neighborhood associations**

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- A. A neighborhood association may register with the city, town or county in which the neighborhood association

is located to invoke the rights that are afforded pursuant to this article. The city, town or county shall establish procedures for the registration of neighborhood associations pursuant to this section. The procedures shall require the neighborhood association to provide to the city, town or county the name and telephone number of one person who shall act on behalf of the neighborhood association and who may receive notice or invoke rights pursuant to this section. The neighborhood association shall notify the city, town or county of any changes to this information. If the neighborhood association fails to keep this information current, the neighborhood association is deemed to have waived its rights under this section.

- B. Notwithstanding any law to the contrary, if a juvenile commits an act that if committed by an adult would be a crime under section 13-1602, subsection A, paragraph 5, section 13-3102, subsection A, paragraph 9, section 13-3201 or 13-3204, section 13-3208, subsection B or section 13-3209, 13-3405, 13-3407, 13-3408, 13-3421 or 13-4702, a neighborhood association that is registered with a city, town or county pursuant to subsection A of this section may receive notice or may invoke rights pursuant to the following sections:
  - 1. Section 8-390.
  - 2. Section 8-400.
  - 3. Section 8-405.
- C. Sections 8-407, 8-413 and 8-415 apply to all matters in which a neighborhood association invokes rights under this section.
- D. If the neighborhood association wishes to invoke victims' rights for a crime as prescribed in subsection B of this section that resulted in an arrest, the person who is registered with the city, town or county pursuant to subsection A of this section shall contact the law enforcement agency responsible for the arrest. The law enforcement agency shall fill out the form prescribed by section 8-386. Thereafter the neighborhood association, through the contact person, shall be afforded all of the rights listed under subsection B of this section.

#### **8 386. Information provided to victim by law enforcement agencies**

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- A. As soon after the detection of an offense as the victim may be contacted without interfering with an investigation or arrest, the law enforcement agency responsible for investigating the offense shall provide the victim with a multicopy form:
  - 1. That allows the victim to request or waive applicable rights to which the victim is entitled, on request, under this article.
  - 2. That provides the victim a method to designate a lawful representative if the victim so chooses pursuant to section 8-384, subsection A or section 8-385.
  - 3. That provides notice to the victim of all of the following information:
    - (a) The victim's right under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, to be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse throughout the criminal or juvenile justice process.
    - (b) The availability, if any, of crisis intervention services and emergency and medical services and, if applicable, that medical expenses arising out of the need to secure evidence may be reimbursed pursuant to section 13-1414.
    - (c) In cases involving domestic violence, the procedures and resources available for the protection of the victim pursuant to section 13-3601.
    - (d) The names and telephone numbers of public and private victim assistance programs, including the county victim compensation program and programs that provide counseling, treatment and other support services.



(e) The police report number, if available, other identifying case information and the following statement:

If within thirty days you are not notified of an arrest in your case, you may call (the law enforcement agency's telephone number) for the status of the case.

(f) Whether the suspect is an adult or juvenile, the victim will be notified by the law enforcement agency at the earliest opportunity after the arrest of a suspect.

(g) If the suspect is a juvenile and the officer requests that the accused be detained, a statement of the victim's right, on request, to be informed if the juvenile will be released or will be detained pending the detention hearing and of the victim's right to be present and heard at the detention hearing and that, to exercise these rights, the victim must contact the detention screening section of the juvenile probation department immediately to request notice of all of the following:

(i) The juvenile's release.

(ii) The date, time and place of the detention hearing and any changes to that schedule.

(iii) If the victim chooses to exercise the right to be heard through a written statement, how that statement may be submitted to the court.

B. If at the time of contact with a law enforcement agency the victim is physically or emotionally unable to request or waive applicable rights, the law enforcement agency shall designate this on the multicopy form and the entities that may be subsequently affected shall presume that the victim invoked the victim's right to request applicable rights to which the victim is entitled, on request, unless the victim later waives those rights.

C. The law enforcement agency shall submit one copy of the victim's request or waiver of predisposition rights form to the detention center, if the arresting officer is requesting that the accused be detained, at the time the juvenile is taken to detention. If detention is not requested, the form copies shall be submitted to the juvenile probation intake section at the time the case is otherwise referred to court. The probation intake section shall submit a copy of the victim's request or waiver of predisposition rights form to the prosecutor and the departments or governmental agencies, as applicable, that are mandated by this article to provide victims' rights services upon request.

D. If the accused juvenile is cited and released by an Arizona traffic ticket and complaint form pursuant to section 8-323, the law enforcement agency shall inform the victim how to obtain additional information about subsequent proceedings.

E. Law enforcement agencies within a county may establish different procedures designed to efficiently and effectively provide notice of the victim's rights pursuant to this article and notice to affected entities of victim request or waiver information. If different procedures are established, the procedures shall:

1. Be reported to the entities within a county affected by the procedures and reported to the attorney general.
2. Be designed so that detention centers within a county receive notice of the victim's request or waiver of the victim's predisposition rights at the same time that an accused juvenile is detained.
3. Be designed so that the juvenile probation intake section of the county receives notice of the victim's request or waiver of the victim's predisposition rights at the same time that the case is referred to court.
4. Provide that the notice to affected entities of a victim's request or waiver of the victim's predisposition rights includes information that allows the affected entity to contact the victim.
5. Be supported by the use of brochures, forms or other written materials developed by the law enforcement agencies within a county and reviewed by the attorney general pursuant to section 8-398, subsection B.

## **8 386.01. Issuance and execution of arrest warrants**

A. Beginning on the effective date of this section, on the issuance of an arrest warrant, the court issuing the warrant shall state in the warrant whether the person named in the warrant is to be arrested for or is to be charged with committing an offense to which this article applies or is materially related to an offense to which this article applies.

- B. On receipt of notice of an arrest or an impending arrest of a juvenile and if applicable pursuant to subsection A of this section, the agency that is responsible for holding the original warrant shall notify the law enforcement agency that was responsible for the original investigation of the offense of the impending detainment of the juvenile who is arrested on the law enforcement agency's warrant.
- C. On receiving notice that the warrant was executed pursuant to subsection B of this section, the law enforcement agency that was responsible for the original investigation of the offense shall do all of the following if the victim has requested notice pursuant to section 8-286:
  - 1. Notify the victim of the arrest and advise the victim that to exercise the right to be informed if the juvenile is released the victim must contact the detention center of the juvenile probation department immediately.
  - 2. Inform the victim of the telephone number of the detention center in which the juvenile is detained.
  - 3. Provide the detention center with the victim information pursuant to section 8-286 so that the detention center may notify the victim of the release or escape of the juvenile pursuant to section 8-290.03, if applicable.
- D. A law enforcement agency is not required to provide victim information pursuant to section 8-286, subsections C and E to the custodial agency at the time a juvenile is detained unless the law enforcement agency that performs the warrant arrest is also the law enforcement agency that was responsible for the original investigation of the offense.
- E. The victim's right to be informed of an arrest or a release pursuant to an executed warrant applies to warrants that are issued on or after September 1, 1996.
- F. Law enforcement, courts and juvenile custodial agencies are not liable pursuant to section 8 290.26 for the failure to inform a victim of the arrest or release of a juvenile on warrants that were issued before September 1, 1996.

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#### **8 387. Notice of terms and conditions of release**

On the request of the victim, the juvenile court or the department of juvenile corrections shall provide a copy of the terms and conditions of release.

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#### **8 388. Notice of diversion**

If an accused is accepted into a diversion program pursuant to section 8-321, the court administering the program shall give the victim notice of the conditions that the accused must comply with in order for the complaint or citation to be adjusted or dismissed. The notice shall state whether restitution was required and that, on request of the victim, the victim has the right to be notified of the accused's completion of or termination from the program.

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#### **8 389. Preliminary notice of rights**

- A. If the victim has requested notice and if the accused is in custody at the time of charging, or seven days after the prosecutor charges a delinquent offense if the accused is not in custody, the prosecutor's office shall give the victim notice of the following:
  - 1. All of the victim's rights through disposition under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, this article and court rules.
  - 2. The charge or charges against the accused and a clear and concise statement of the procedural steps involved in a delinquency prosecution.
  - 3. The procedures a victim shall follow to invoke the victim's right to confer with the prosecuting attorney pursuant to section 8-399.
  - 4. The person within the prosecutor's office to contact for more information.

- B. Notwithstanding subsection A of this section, if a prosecutor declines to proceed with a prosecution after the final submission of a case by a law enforcement agency at the end of an investigation, the prosecutor, before the decision not to proceed is final, shall notify the victim and provide the victim with the reasons for declining to proceed with the case. The notice shall inform the victim of the victim's right on request to confer with the prosecutor before the decision not to proceed is final.

### **8 390. Notice of proceedings**

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- A. The court shall give notice to the prosecutor's office in a timely manner of any changes in scheduled proceedings.
- B. Except for detention hearings the court shall provide notice of all proceedings to the prosecutor's office at least five days before a scheduled proceeding.
- C. If the court finds that it is not reasonable to provide the five days' notice to the prosecutor's office pursuant to subsection B, the court shall state in the record why it was not reasonable to provide five days' notice.
- D. On receiving the notice from the court, the prosecutor's office shall, on request, provide notice to the victim in a timely manner of scheduled proceedings, any changes in the schedule and that a predisposition or disposition proceeding may occur immediately following adjudication.

### **8 391. Notice of adjudication; impact statement**

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- A. On request the prosecutor's office, within fifteen days after the adjudication, transfer, acquittal or dismissal of the charges against the accused, shall give notice to the victim of the offense or offenses for which the accused was adjudicated delinquent, transferred for adult prosecution or acquitted or of the charges dismissed against the juvenile defendant.
- B. If the juvenile is adjudicated delinquent and the victim has requested notice, the prosecutor's office shall notify the victim, if applicable, of:
1. The function of the predisposition report.
  2. The name and telephone number of the probation department that is preparing the predisposition report.
  3. The right to make a victim impact statement under section 8-404.
  4. The right to receive portions of the predisposition report pursuant to section 8-404, subsection C.
  5. The right to be present and be heard at any predisposition or disposition proceeding pursuant to section 8-405.
  6. The time, place and date of the disposition proceeding.
  7. If the court orders restitution, the right to have a judgment entered for any unpaid amount and to file a restitution lien pursuant to section 8-345.
- C. The victim shall be informed that the victim's impact statement may include the following:
1. An explanation of the nature and extent of any physical, psychological or emotional harm or trauma suffered by the victim.
  2. An explanation of the extent of any economic loss or property damage suffered by the victim.
  3. An opinion of the need for and extent of restitution.
  4. Whether the victim has applied for or received any compensation for the loss or damage.
- D. Notice provided pursuant to this section does not remove the probation department's responsibility to initiate the contact between the victim and the probation department concerning the victim's economic, physical, psychological or emotional harm. At the time of contact, the probation department shall advise the victim of the date, time and place of the disposition proceeding and of the victim's right, if present, to be heard at that proceeding.

### **8 392. Notice of post adjudication review and appellate proceedings**

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- A. Within fifteen days after the disposition proceeding the prosecutor's office, on request, shall notify the victim of the disposition imposed on the juvenile defendant.
- B. The prosecutor's office shall provide the victim with a form that allows the victim to request post adjudication notice of all post adjudication review and appellate proceedings, all post adjudication release proceedings, all probation modification proceedings that impact the victim, all probation revocation or termination proceedings, all conditional liberty revocation proceedings or modifications to conditional liberty, any decisions that arise out of these proceedings, all releases and all escapes.
- C. The prosecutor's office shall advise the victim on how the completed request form may be filed with the appropriate agencies and departments.
- D. On request of the victim, the prosecutor's office that is responsible for handling any post adjudication or appellate proceedings shall notify the victim of the proceedings and any decisions that arise out of the proceedings.

### **8 392.01. Notice of right to request not to receive committed youth mail**

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- A. Within fifteen days after a juvenile defendant is committed to the department of juvenile corrections, the prosecutor's office shall notify the victim of the right of the victim, any member of the victim's family or any member of the victim's household, to request not to receive mail from the committed youth who was adjudicated delinquent for an offense committed against the victim. The notice shall:
  - 1. Be made on the post adjudication form provided by the prosecutor to the victim pursuant to section 8-392.
  - 2. Inform the victim of the right of the victim, any member of the victim's family or any member of the victim's household who is denoted by the victim on the form, to request not to receive mail from the committed youth.
  - 3. Instruct the victim how to file the completed request form with the department of juvenile corrections.
  - 4. Include the following statement:

"If the juvenile defendant is incarcerated in the department of juvenile corrections, you have the right to request that the juvenile defendant not send you, members of your family or members of your household mail. If the juvenile defendant sends you or your family members mail after you have made this request, you or the members of your family have the right to report the incident to the department of juvenile corrections for sanctions against the juvenile defendant."
- B. On receipt of a post adjudication notification request form in which a request not to receive mail is indicated, the department of juvenile corrections shall notify the committed youth of the request and that sending mail to the victim, or the family or household members who are denoted by the victim, shall result in appropriate sanctions.
- C. The department of juvenile corrections shall not knowingly forward mail addressed to any person who requests not to receive mail pursuant to this section.

### **8-393. Notice of release or escape**

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- A. The custodial agency shall immediately notify the victim of the post arrest release or escape of the accused.
- B. The department of juvenile corrections shall immediately give notice to a victim and the prosecutor's office of an escape by, and again upon the subsequent re-arrest of, the accused or delinquent who was detained or committed to the department and confined in a secure care facility and who committed a delinquent act against the victim. The department shall give notice by any reasonable means.

### **8 394. Notice of delinquent's status**

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- A. If the victim has made a request for post adjudication notice, the director of the department of juvenile corrections shall mail to the victim the following information about a delinquent in the custody of the department of juvenile corrections:
  - 1. Within thirty days after the request, notice of the earliest release date of the delinquent.
  - 2. At least fifteen days before the delinquent's release, notice of the release.
  - 3. Within fifteen days after the delinquent's death, notice of the death.
- B. If the victim has made a request for post adjudication notice, the custodial agency having custody of the delinquent shall mail to the victim notice of release at least fifteen days before the delinquent's release or notice of death within fifteen days after the delinquent's death.

### **8 395. Notice of post adjudication release; right to be heard; hearing; final decision**

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- A. The victim has the right to be present and be heard at any proceeding in which post adjudication release from confinement is being considered and the right to submit a statement to the department of juvenile corrections when a request for discharge on successful completion of the individualized treatment plan is considered pursuant to section 41-2820.
- B. If the victim has made a request for post adjudication notice, at least fifteen days before the hearing or before the juvenile's discharge is considered pursuant to section 41-2820, the department of juvenile corrections shall give to the victim written notice of the hearing and of the victim's right to be present and be heard at the hearing or to submit a statement to the department regarding the request for discharge.
- C. If the victim has made a request for post adjudication notice, the department of juvenile corrections shall give notice to the victim of the decision reached by the department. The department shall mail the notice within fifteen days after the department reaches its decision.

### **8-396. Notice of probation modification, termination or revocation disposition matters; notice of arrest**

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- A. On request of a victim who has provided an address or other contact information, the court shall notify the victim of any of the following:
  - 1. A probation revocation disposition proceeding or any proceeding in which the court is asked to terminate the probation or intensive probation of the delinquent who committed the delinquent act against the victim.
  - 2. Any hearing on a proposed modification of the terms of probation or intensive probation.
  - 3. The arrest of a delinquent pursuant to a warrant issued for a probation violation.
- B. On request of a victim who has provided a current address or other current contact information, the probation department shall notify the victim of the following:
  - 1. Any proposed modification to any term of probation if the modification affects restitution or incarceration status or the delinquent's contact with or the safety of the victim.
  - 2. The victim's right to be heard at a hearing that is set to consider any modification to be made to any term of probation.
  - 3. Any violation of any term of probation that results in the filing with the court of a petition to revoke probation.
  - 4. That a petition to revoke probation alleging that the juvenile absconded from probation has been filed with the court.
  - 5. Any conduct by the juvenile that raises a substantial concern for the victim's safety.

- C. If a victim has requested post adjudication notice and probation is revoked and the juvenile is committed to the department of juvenile corrections, the court shall notify the department of juvenile corrections of the victim's request.
- D. On request of the victim, the department of juvenile corrections shall notify the victim of any of the following:
  - 1. Any proceeding in which the department may revoke the conditional liberty of the delinquent who committed the delinquent act against the victim.
  - 2. A modification of the terms of conditional liberty only if the modification will substantially affect the delinquent's contact with the victim or the safety of the victim or if the modification affects restitution or secure care status.
  - 3. The arrest of a delinquent pursuant to a warrant issued for a conditional liberty violation.

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**8-397. Notice of release, discharge or escape from a mental health treatment agency or residential treatment**

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- A. If the victim has made a request for notice, the court or the department of juvenile corrections, whichever has supervision of the accused or delinquent, shall provide the victim, at least ten days before the release or discharge of the accused or delinquent, with notice of the release or discharge of the accused or delinquent who is placed by court order in a mental health treatment agency or a residential treatment agency. The mental health treatment agency or residential treatment agency that has custody of the accused or delinquent shall notify the court or department of juvenile corrections, whichever has supervision of the accused or delinquent, at least thirty days before the release or discharge of the accused or delinquent.
- B. The court or the department of juvenile corrections, whichever has supervision of the accused or delinquent, shall mail to the victim immediately after the escape or subsequent readmission of the accused or the delinquent notice of the escape or subsequent readmission of the accused or the delinquent who is placed by court order in a mental health treatment agency or a residential treatment agency. The mental health treatment agency or residential treatment agency that has custody of the accused or delinquent shall immediately notify the court or the department of juvenile corrections, whichever has supervision of the accused or delinquent, of the escape, runaway or subsequent readmission of the accused or delinquent.

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**8-398. Request for notice; forms; notice system**

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- A. The victim shall provide to and maintain with the law enforcement agency that is responsible for providing notice to the victim a request for notice on a form that is provided by that agency. The form shall include a telephone number and address. If the victim fails to keep the victim's telephone number and address current, the victim's request for notice is withdrawn. At any time the victim may request notice of subsequent proceedings by filing on a request form provided by the agency the victim's current telephone number and address.
- B. All notices provided to a victim pursuant to this article shall be on forms developed or reviewed by the attorney general.
- C. The court and all agencies that are responsible for providing notice to the victim shall establish and maintain a system for the receipt of victim requests for notice.

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**8-399. Victim conference with prosecuting attorney**

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- A. On request of the victim, the prosecuting attorney shall confer with the victim about the disposition of a delinquent offense, including the victim's views about a decision not to proceed with prosecution, dismissal, withdrawal of a request for transfer, plea or disposition negotiations and, if a petition has been filed, pre-adjudication diversion programs.
- B. On request of the victim, the prosecuting attorney shall confer with the victim before the commencement of an adjudication or transfer hearing.



- C. The right of the victim to confer with the prosecuting attorney does not include the authority to direct the prosecution of the case.

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**8-400. Proceedings; right to be present**

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The victim has the right to be present throughout all court hearings in which the accused or delinquent has the right to be present.

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**8-401. Detention hearing**

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The victim has the right to be heard at the detention hearing of the person suspected of committing the delinquent act against the victim.

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**8-402. Post arrest detention decisions**

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The victim has the right to be heard at any proceeding in which the court considers the post arrest release of the juvenile accused of committing a delinquent act against the victim or the conditions of that release.

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**8-403. Plea negotiation**

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- A. On request of the victim, the victim has the right to be present and be heard at any proceeding in which a negotiated plea for the juvenile accused of committing the delinquent act against the victim will be presented to the court.
- B. The court shall not accept a plea agreement unless:
1. The prosecuting attorney advises the court that before requesting the negotiated plea reasonable efforts were made to confer with the victim pursuant to section 8-399.
  2. Reasonable efforts are made to give the victim notice of the plea proceeding pursuant to section 8-390 and to inform the victim that the victim has the right to be present and, if present, to be heard.
  3. The prosecuting attorney advises the court that to the best of the prosecutor's knowledge notice requirements of this chapter have been complied with and the prosecutor informs the court of the victim's position, if known, regarding the negotiated plea.

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**8-404. Impact statement; predisposition report**

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- A. The victim may submit a written impact statement or make an oral impact statement to the probation officer for the officer's use in preparing a predisposition or transfer report.
- B. In preparing the predisposition or transfer report, the probation officer shall consider the economic, physical and psychological impact that the delinquent act has had on the victim and the victim's immediate family.
- C. On request, the court shall provide the victim with the following information from the predisposition report:
1. The referral history.
  2. The probation officer's assessment of the case.
  3. The disposition and treatment recommendations.
  4. The probation officer's recommendations for treatment and disposition.
  5. The detention history.

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**8-405. Disposition**

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- A. The victim may present evidence, information and opinions that concern the delinquent act, the delinquent, the disposition or the need for restitution at any predisposition or disposition proceeding.

- B. At any disposition proceeding the victim has the right to be present and to address the court.

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**8-406. Probation modification, revocation disposition or termination proceedings**

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- A. The victim has the right to be present and be heard at any probation revocation disposition proceeding or any proceeding in which the court is requested to terminate the probation or intensive probation of a delinquent who committed a delinquent act against the victim.
- B. The victim has the right to be heard at any proceeding in which the court is requested to modify the terms of probation or intensive probation of a delinquent if the modification will substantially affect the delinquent's contact with or safety of the victim or if the modification involves restitution or incarceration status.

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**8-407. Victim's discretion; form of statement**

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- A. The victim has discretion to exercise the victim's rights under this article to be present and be heard at a court proceeding, and the absence of the victim at the court proceeding does not preclude the court from continuing the proceeding.
- B. Except as provided in subsection C, a victim's right to be heard may be exercised through an oral statement, submission of a written statement or submission of a statement through audiotape or videotape.
- C. If a person against whom a delinquent act has been committed is in custody for an offense, the person may be heard by submitting a written statement to the court.

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**8-408. Return of victim's property; release of evidence**

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- A. On request of the victim and after consultation with the prosecuting attorney, the law enforcement agency responsible for investigating the delinquent act shall return to the victim any property belonging to the victim that was taken during the course of the investigation or shall inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.
- B. If the victim's property has been admitted as evidence during a hearing, the court may order its release to the victim if a photograph or photocopy can be substituted. If evidence is released pursuant to this subsection, the accused's attorney or investigator may inspect and independently photograph or photocopy the evidence before it is released.

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**8-409. Consultation between crime victim advocate and victim; privileged information; exception**

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- A. A crime victim advocate shall not disclose as a witness or otherwise any communication except compensation or restitution information between the advocate and the victim unless the victim consents in writing to the disclosure.
- B. Unless the victim consents in writing to the disclosure, a crime victim advocate shall not disclose records, notes, documents, correspondence, reports or memoranda, except compensation or restitution information, that contain opinions, theories or other information made while advising, counseling or assisting the victim or that are based on the communication between the victim and the advocate.
- C. The communication is not privileged if the crime victim advocate knows that the victim will give or has given perjured testimony or if the communication contains exculpatory material.
- D. An accused may make a motion for disclosure of privileged information. If the court finds there is reasonable cause to believe the material is exculpatory, the court shall hold a hearing in camera. Material that the court finds is exculpatory shall be disclosed to the accused.
- E. If, with the consent of the victim, the crime victim advocate discloses to the prosecutor or a law enforcement agency any communication between the victim and the crime victim advocate or any records, notes, documents, correspondence, reports or memoranda, the prosecutor or law enforcement agent shall disclose the material to the accused's attorney only if the information is otherwise discoverable.

- F. Notwithstanding subsections A and B, if a crime victim advocate is employed or authorized by a prosecutor's office, the advocate may disclose information to the prosecutor with the oral consent of the victim.

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#### **8-410. Minimizing victim's contacts**

Before, during and immediately after any court proceeding, the court shall provide appropriate safeguards to minimize the contact that occurs between the victim, the victim's immediate family and the victim's witnesses and the accused, the accused's immediate family and defense witnesses.

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#### **8-411. Motion to revoke release**

If the prosecutor decides not to move to revoke the release of the juvenile defendant, the prosecutor shall inform the victim that the victim may petition the court to revoke the release of the juvenile defendant based on the victim's notarized statement asserting that harassment, threats, physical violence or intimidation against the victim or the victim's immediate family by the juvenile defendant or on behalf of the juvenile defendant has occurred.

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#### **8-412. Victim's right to refuse an interview**

- A. Unless the victim consents, the victim shall not be compelled to submit to an interview on any matter, including any alleged delinquent act witnessed by the victim and that occurred on the same occasion as the delinquent act against the victim, or filed in the same petition or consolidated for an adjudication hearing, that is conducted by the juvenile defendant, the attorney for the juvenile defendant or an agent of the juvenile defendant.
- B. The juvenile defendant, the attorney for the juvenile defendant or an agent of the juvenile defendant shall only initiate contact with the victim through the prosecutor's office. The prosecutor's office shall inform the victim of the juvenile defendant's request for an interview within ten days after the request and shall advise the victim of the victim's right to refuse the interview.
- C. The prosecutor shall not be required to forward any correspondence from the juvenile defendant, the juvenile defendant's attorney or an agent of the juvenile defendant to the victim or the victim's representative.
- D. If the victim consents to an interview, the prosecutor's office shall inform the juvenile defendant, the attorney for the juvenile defendant or an agent of the juvenile defendant of the time and place the victim has selected for the interview. If the victim wishes to impose other conditions on the interview, the prosecutor's office shall inform the juvenile defendant, the attorney for the juvenile defendant or an agent of the juvenile defendant of the conditions. The victim has the right to terminate the interview at any time or to refuse to answer any question during the interview. The prosecutor has standing at the request of the victim to protect the victim from harassment, intimidation or abuse and, pursuant to that standing, may seek any appropriate protective court order.
- E. Unless otherwise directed by the victim, the prosecutor may attend all interviews. If a transcript or tape recording of the interview is made and on request of the prosecutor, the prosecutor shall receive a copy of the transcript or tape recording at the prosecutor's expense.
- F. For the purposes of this section, a peace officer shall not be considered a victim if the act that would have made the officer a victim occurs while the peace officer is acting in the scope of the officer's official duties.
- G. This section applies to the parent or legal guardian of a minor child who exercises victims' rights on behalf of the minor child.

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#### **8-413. Victim's right to privacy**

The victim has the right at any court proceeding not to testify regarding the victim's addresses, telephone numbers, place of employment or other locating information unless the victim consents or the court orders disclosure on finding that a compelling need for the information exists. A court proceeding on the motion shall be in camera.

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**8-414. Speedy adjudication**

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- A. In any delinquency proceeding, the court, prosecutor and law enforcement officials shall take appropriate action to ensure a speedy adjudication for the victim.
- B. In any delinquency proceeding in which a continuance is requested, the court shall consider the victim's views and the victim's right to a speedy adjudication. If a continuance is granted, the court shall state on the record the reason for the continuance.

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**8-415. Effect of failure to comply**

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- A. The failure to use reasonable efforts to perform a duty or provide a right is not cause to seek to set aside an adjudication or disposition.
- B. The failure to use reasonable efforts to provide notice and a right to be present or be heard pursuant to this article at a proceeding that involves post adjudication release is a ground for the victim to move to set aside the post adjudication release until the victim is afforded the opportunity to be present or be heard.
- C. If the victim seeks to have a post adjudication release set aside pursuant to subsection B, the custodial agency or the department of juvenile corrections shall afford the victim a reexamination proceeding after the parties are given notice.
- D. A reexamination proceeding conducted pursuant to this section or any other proceeding that is based on the failure to perform a duty or to provide a right shall begin not more than thirty days after the appropriate parties have been given notice that the victim is exercising the victim's right to a reexamination proceeding pursuant to this section or to another proceeding based on the failure to perform a duty or provide a right.

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**8-416. Standing to invoke rights; recovery of damages; right to counsel**

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- A. The victim has standing to seek an order, to bring a special action or to file a notice of appearance in an appellate proceeding seeking to enforce any right or to challenge an order denying any right guaranteed to victims under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, this article or court rules. In asserting any right, the victim has the right to be represented by personal counsel at the victim's expense.
- B. A victim has the right to recover damages from a governmental entity responsible for the intentional, knowing or grossly negligent violation of the victim's rights under the victims' bill of rights, article II, section 2.1, Constitution of Arizona, any implementing legislation or court rule. Nothing in this section alters or abrogates any provision for immunity provided for under common law or statute.
- C. At the request of the victim, the prosecutor may assert any right to which the victim is entitled.
- D. On the filing of a notice of appearance and if present, counsel for the victim shall be included in all bench conferences and in chambers meetings and sessions with the trial court that directly involve a victim's right enumerated in article II, section 2.1, Constitution of Arizona.

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**8-417. Construction of article**

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This article shall be liberally construed to preserve and protect the rights to which victims are entitled.

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**8-418. Implementation fee; definition**

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- A. For all juveniles adjudicated delinquent for offenses involving a victim, including those who are adjusted pursuant to section 8-321, the court or in the case of an adjustment pursuant to section 8-321, a juvenile probation officer shall assess the parent of a delinquent a fee of twenty-five dollars unless the parent or a sibling of the juvenile is the victim or unless, after determining the inability of the parent to pay the fee, the court or juvenile probation officer assesses a lesser amount. Monies assessed pursuant to this section shall be paid to the clerk of the superior court. Within ten working days of the last day of each month the clerk of the superior court shall transmit all monies collected from this assessment to the state treasurer for deposit in the victims' rights fund established by section 41-191.08.

- B. For the purposes of this section, “victim” includes persons, corporations, partnerships, businesses, associations and other legal entities.

#### **8-419. Victim reconciliation services**

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The presiding judge of the juvenile court in each county may establish and provide voluntary victim reconciliation and restitution services to assist victims of juvenile crimes.

#### **8-420. Right to leave work; scheduled proceedings; counseling; employment rights; nondiscrimination; confidentiality; definition**

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- A. An employer who has fifty or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of that employer, shall allow an employee who is a victim of a juvenile offense to leave work to exercise the employee’s right to be present at a proceeding pursuant to sections 8-395, 8-400, 8-401, 8-402, 8-403, 8-405, 8-406 and 8-415.
- B. An employer may not dismiss an employee who is a victim of a juvenile offense because the employee exercises the right to leave work pursuant to subsection A of this section.
- C. An employer is not required to compensate an employee who is a victim of a juvenile offense when the employee leaves work pursuant to subsection A of this section.
- D. If an employee leaves work pursuant to subsection A of this section, the employee may elect to use or an employer may require the employee to use the employee’s accrued paid vacation, personal leave or sick leave.
- E. An employee who is a victim of a juvenile offense shall not lose seniority or precedence while absent from employment pursuant to subsection A of this section.
- F. Before an employee may leave work pursuant to subsection A of this section, the employee shall do all of the following:
1. Provide the employer with a copy of the form provided to the employee by the law enforcement agency pursuant to section 8-386, subsection A or a copy of the information the law enforcement agency provides to the employee pursuant to section 8-386, subsection E.
  2. If applicable, give the employer a copy of the notice of each scheduled proceeding that is provided to the victim by the agency that is responsible for providing notice to the victim.
- G. It is unlawful for an employer or an employer’s agent to refuse to hire or employ, to bar or to discharge from employment or to discriminate against an individual in compensation or other terms, conditions or privileges of employment because the individual leaves work pursuant to subsection A of this section.
- H. Employers shall keep confidential records regarding the employee’s leave pursuant to this section.
- I. An employer may limit the leave provided under this section if the employee’s leave creates an undue hardship to the employer’s business.
- J. The prosecutor shall inform the victim of the victim’s rights pursuant to this section. A victim may notify the prosecutor if exercising the victim’s right to leave under this section would create an undue hardship for the victim’s employer. The prosecutor shall communicate the notice to the court during the scheduling of proceedings where the victim has the right to be present. The court shall continue to take the victim’s schedule into consideration when scheduling a proceeding pursuant to subsection A of this section.
- K. For purposes of this section, “Undue hardship” means a significant difficulty and expense to a business and includes the consideration of the size of the employer’s business and the employer’s critical need of the employee.

## **8-421. Statement of rights**

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In order to assure that any victim who comes before the juvenile court has been advised of the victim's constitutional rights, a judge of the juvenile court shall make the following statement at the time each victim first appears in that court:

If you are the victim of a delinquent act with a case pending before this court, you are advised that you have rights to justice and due process under Arizona law that, among others, include the right to be treated with fairness, respect and dignity, to a speedy disposition and a prompt and final conclusion of the case, to be present at court proceedings, to choose whether or not to be interviewed by the juvenile's attorney, to be heard before the court makes a decision on release, negotiation of a plea, scheduling and disposition and to seek restitution from a person who is adjudicated as causing your loss. If you have not already been provided with a written statement of all victims' rights, please contact the victim services division of the prosecutor's office.



# STATE & COUNTY INFORMATION NUMBERS

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## STATE AGENCIES

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ATTORNEY GENERAL, PHOENIX . . . . . (602) 542-5025  
TUCSON . . . . . (520) 628-6504  
[www.azag.gov/](http://www.azag.gov/)  
ATTORNEY GENERAL VICTIM SERVICES . . . (602) 542-4911  
TUCSON . . . . . (520) 628-6456  
TOLL FREE . . . . . 1-866-742-4911  
[www.azag.gov/victims\\_rights/](http://www.azag.gov/victims_rights/)  
DEPARTMENT OF CORRECTIONS . . . . . (602) 542-5536  
[www.adc.state.az.us/](http://www.adc.state.az.us/)  
BOARD OF EXECUTIVE CLEMENCY . . . . . (602) 542-5656  
[azboec.gov/](http://azboec.gov/)  
DEPARTMENT OF HEALTH . . . . . (602) 542-1011  
[www.azdhs.gov/](http://www.azdhs.gov/)  
STATE HOSPITAL . . . . . (602) 244-1331  
[www.azdhs.gov/azsh/](http://www.azdhs.gov/azsh/)

## APACHE COUNTY

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SUPERIOR COURT CLERK . . . . . (928) 337-7550  
[www.apacheclerk.net/](http://www.apacheclerk.net/)  
ATTORNEY'S OFFICE . . . . . (928) 337-7560  
[www.co.apache.az.us/attorney/](http://www.co.apache.az.us/attorney/)  
VICTIM WITNESS PROGRAM . . . . . (928) 337-7560  
[www.voiceforvictims.org/apache\\_county\\_resources.htm](http://www.voiceforvictims.org/apache_county_resources.htm)  
VICTIM COMPENSATION . . . . . (928) 337-7560  
[www.acjc.state.az.us/victim/VictComp.asp](http://www.acjc.state.az.us/victim/VictComp.asp)  
COUNTY JAIL . . . . . (928) 337-4321  
[www.co.apache.az.us/Sheriff/Jail.htm](http://www.co.apache.az.us/Sheriff/Jail.htm)  
PROBATION . . . . . (928) 337-7571  
[www.co.apache.az.us/Departments/ProbationServices/main.htm](http://www.co.apache.az.us/Departments/ProbationServices/main.htm)  
COMMUNITY INFORMATION & REFERRAL . . (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

## COCHISE COUNTY

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SUPERIOR COURT CLERK . . . . . (520) 432-8600  
[cochise.az.gov/cochise\\_clerk\\_court.aspx?id=194](http://cochise.az.gov/cochise_clerk_court.aspx?id=194)  
ATTORNEY'S OFFICE . . . . . (520) 432-9377  
[www.co.cochise.az.us/Attorney/](http://www.co.cochise.az.us/Attorney/)  
VICTIM WITNESS PROGRAM . . . . . (520) 432-9377  
[cochise.az.gov/cochise\\_attorney.aspx?id=1134](http://cochise.az.gov/cochise_attorney.aspx?id=1134)  
VICTIM COMPENSATION . . . . . (520) 432-9377  
[www.acjc.state.az.us/victim/VictComp.asp](http://www.acjc.state.az.us/victim/VictComp.asp)  
COUNTY JAIL . . . . . (520) 432-7540  
[cochise.az.gov/cochise\\_sheriff.aspx?id=2516](http://cochise.az.gov/cochise_sheriff.aspx?id=2516)  
PROBATION . . . . . (520) 432-9313  
[cochise.az.gov/cochise\\_adult\\_probation.aspx?id=218](http://cochise.az.gov/cochise_adult_probation.aspx?id=218)  
COMMUNITY INFORMATION & REFERRAL . . (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

## COCONINO COUNTY

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SUPERIOR COURT CLERK . . . . . (928) 779-6535  
[www.coconino.az.gov/courts.aspx?id=295](http://www.coconino.az.gov/courts.aspx?id=295)  
ATTORNEY'S OFFICE . . . . . (928) 779-6518  
[www.coconino.az.gov/ca.aspx?id=237](http://www.coconino.az.gov/ca.aspx?id=237)  
VICTIM WITNESS PROGRAM . . . . . (928) 779-6163  
[www.victimwitnessflagstaff.org/](http://www.victimwitnessflagstaff.org/)  
VICTIM COMPENSATION . . . . . (928) 779-6163  
[www.victimwitnessflagstaff.org/aboutus.htm](http://www.victimwitnessflagstaff.org/aboutus.htm)  
COUNTY JAIL . . . . . (928) 779-4113  
[www.coconino.az.gov/sheriff.aspx?id=513](http://www.coconino.az.gov/sheriff.aspx?id=513)  
PROBATION . . . . . (928) 226-5650  
[cochise.az.gov/cochise\\_adult\\_probation.aspx?id=218](http://cochise.az.gov/cochise_adult_probation.aspx?id=218)  
COMMUNITY INFORMATION & REFERRAL . . (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

## GILA COUNTY

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SUPERIOR COURT CLERK . . . . . (928) 425-3231  
[www.supreme.state.az.us/gilasc/](http://www.supreme.state.az.us/gilasc/)  
ATTORNEY'S OFFICE . . . . . (928) 425-4120  
[www.co.gila.az.us/countyattorney/default.html](http://www.co.gila.az.us/countyattorney/default.html)  
VICTIM WITNESS PROGRAM . . . . . (928) 402-8836  
[www.acjc.state.az.us/victim/VictComp.asp](http://www.acjc.state.az.us/victim/VictComp.asp)  
VICTIM COMPENSATION . . . . . (928) 402-8836  
[www.acjc.state.az.us/victim/VictComp.asp](http://www.acjc.state.az.us/victim/VictComp.asp)  
COUNTY JAIL . . . . . (928) 425-7853  
[www.co.gila.az.us/sheriff/default.html](http://www.co.gila.az.us/sheriff/default.html)  
PROBATION . . . . . (928) 425-7971  
[www.supreme.state.az.us/gilasc/prob/prob.html](http://www.supreme.state.az.us/gilasc/prob/prob.html)  
COMMUNITY INFORMATION & REFERRAL . . (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

## GRAHAM COUNTY

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SUPERIOR COURT CLERK . . . . . (928) 428-3100  
[www.graham.az.gov/Graham\\_CMS/display.aspx?id=544&ekmensen=c580fa7b\\_80\\_112\\_544\\_1](http://www.graham.az.gov/Graham_CMS/display.aspx?id=544&ekmensen=c580fa7b_80_112_544_1)  
ATTORNEY'S OFFICE . . . . . (928) 428-3620  
[www.graham.az.gov/Graham\\_CMS/display.aspx?id=134&ekmensen=c580fa7b\\_80\\_96\\_134\\_1](http://www.graham.az.gov/Graham_CMS/display.aspx?id=134&ekmensen=c580fa7b_80_96_134_1)  
VICTIM WITNESS PROGRAM . . . . . (928) 428-4787  
[www.graham.az.gov/Graham\\_CMS/display.aspx?id=670&ekmensen=c580fa7b\\_80\\_126\\_670\\_1](http://www.graham.az.gov/Graham_CMS/display.aspx?id=670&ekmensen=c580fa7b_80_126_670_1)  
VICTIM COMPENSATION . . . . . (928) 428-4787  
[www.graham.az.gov/Graham\\_CMS/display.aspx?id=670&ekmensen=c580fa7b\\_80\\_126\\_670\\_1](http://www.graham.az.gov/Graham_CMS/display.aspx?id=670&ekmensen=c580fa7b_80_126_670_1)  
COUNTY JAIL . . . . . (928) 428-3141  
[www.graham.az.gov/Graham\\_CMS/display.aspx?id=866&ekmensen=c580fa7b\\_80\\_132\\_866\\_1](http://www.graham.az.gov/Graham_CMS/display.aspx?id=866&ekmensen=c580fa7b_80_132_866_1)

PROBATION ..... (928) 428-3955  
www.graham.az.gov/Graham\_CMS/display.aspx?id=428&ekmensel  
=c580fa7b\_80\_146\_428\_1  
COMMUNITY INFORMATION & REFERRAL .. (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

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## GREENLEE COUNTY

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SUPERIOR COURT CLERK..... (928) 865-4242  
www.co.greenlee.az.us/Courts/ClerkHomePage.aspx  
ATTORNEY'S OFFICE ..... (928) 865-4108  
www.co.greenlee.az.us/Attorney/AttorneyHomePage.aspx  
VICTIM WITNESS PROGRAM ..... (928) 865-4108  
www.acjc.state.az.us/victim/VictComp.asp  
VICTIM COMPENSATION..... (928) 865-4108  
www.acjc.state.az.us/victim/VictComp.asp  
COUNTY JAIL ..... (928) 865-4149  
www.co.greenlee.az.us/sheriff/sheriffhomepage.aspx  
PROBATION ..... (928) 865-4184  
www.co.greenlee.az.us/sheriff/sheriffhomepage.aspx  
COMMUNITY INFORMATION & REFERRAL .. (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

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## LA PAZ COUNTY

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SUPERIOR COURT CLERK..... (928) 669-6131  
www.co.la-paz.az.us/  
ATTORNEY'S OFFICE ..... (928) 669-6118  
www.co.la-paz.az.us/  
VICTIM WITNESS PROGRAM ..... (928) 669-6118  
www.acjc.state.az.us/victim/VictComp.asp  
VICTIM COMPENSATION..... (928) 669-6118  
www.acjc.state.az.us/victim/VictComp.asp  
COUNTY JAIL ..... (928) 699-5816  
www.co.la-paz.az.us/  
PROBATION ..... (928) 669-6188  
COMMUNITY INFORMATION & REFERRAL .. (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

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## MARICOPA COUNTY

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SUPERIOR COURT CLERK..... (602) 506-3730  
www.clerkofcourt.maricopa.gov/  
ATTORNEY'S OFFICE ..... (602) 506-3411  
www.maricopacountyattorney.org/  
VICTIM WITNESS PROGRAM ..... (602) 506-8526  
www.maricopacountyattorney.org/  
VICTIM COMPENSATION..... (602) 506-4955  
www.maricopacountyattorney.org/  
COUNTY JAIL ..... (602) 876-0322  
www.mcso.org/

PROBATION ..... (602) 506-7249  
www.superiorcourt.maricopa.gov/AdultProbation/index.asp  
COMMUNITY INFORMATION & REFERRAL .. (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

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## MOHAVE COUNTY

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SUPERIOR COURT CLERK..... (928) 753-0713  
www.mohavecourts.com/clerk/homepage.htm  
ATTORNEY'S OFFICE ..... (928) 753-0719  
www.co.mohave.az.us/ContentPage.aspx?id=112  
VICTIM WITNESS PROGRAM ..... (928) 718-4967  
www.co.mohave.az.us/ContentPage.aspx?id=112  
VICTIM COMPENSATION..... (928) 753-0719  
www.co.mohave.az.us/ContentPage.aspx?id=112  
COUNTY JAIL ..... (928) 753-0759  
legacy.co.mohave.az.us/depts/sheriff/sheriff\_default.asp  
PROBATION ..... (928) 753-0741  
www.mohavecourts.com/Probation/probationhome.htm  
COMMUNITY INFORMATION & REFERRAL .. (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

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## NAVAJO COUNTY

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SUPERIOR COURT CLERK..... (928) 524-4188  
www.navajocountyaz.gov/  
ATTORNEY'S OFFICE ..... (928) 524-4026  
www.navajocountyaz.gov/  
VICTIM WITNESS PROGRAM ..... (928) 524-4332  
www.navajocountyaz.gov/  
VICTIM COMPENSATION..... (928) 524-4332  
www.navajocountyaz.gov/  
COUNTY JAIL ..... (928) 524-4450  
www.navajocountyaz.gov/sheriff/  
PROBATION ..... (928) 524-4197  
www.navajocountyaz.gov/  
COMMUNITY INFORMATION & REFERRAL (602) 263-8856

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## PIMA COUNTY

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SUPERIOR COURT CLERK..... (520) 740-3201  
www.cosc.co.pima.az.us/  
ATTORNEY'S OFFICE ..... (520) 740-5600  
www.pcao.pima.gov/about.htm  
VICTIM WITNESS PROGRAM ..... (520) 740-5525  
www.pcao.pima.gov/vicwit.htm  
VICTIM COMPENSATION..... (520) 740-5525  
www.pcao.pima.gov/vicwit.htm

COUNTY JAIL ..... (520) 547-8111  
[www.pimasheriff.org/inmate/](http://www.pimasheriff.org/inmate/)  
PROBATION ..... (520) 740-3800  
[www.sc.pima.gov/?tabid=75](http://www.sc.pima.gov/?tabid=75)  
COMMUNITY INFORMATION & REFERRAL .. (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

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## PINAL COUNTY

SUPERIOR COURT CLERK..... (520) 866-5300  
[pinalcountyaz.gov/Departments/JudicialBranch/ClerkoftheCourt/Pages/Home.aspx](http://pinalcountyaz.gov/Departments/JudicialBranch/ClerkoftheCourt/Pages/Home.aspx)  
ATTORNEY'S OFFICE ..... (520) 866-6271  
[pinalcountyaz.gov/Departments/CountyAttorney/Pages/Home.as](http://pinalcountyaz.gov/Departments/CountyAttorney/Pages/Home.as)  
VICTIM WITNESS PROGRAM ..... (520) 866-6271  
[pinalcountyaz.gov/Departments/CountyAttorney/Pages/Home.as](http://pinalcountyaz.gov/Departments/CountyAttorney/Pages/Home.as)  
VICTIM COMPENSATION..... (520) 866-6271  
[pinalcountyaz.gov/Departments/CountyAttorney/Pages/Home.as](http://pinalcountyaz.gov/Departments/CountyAttorney/Pages/Home.as)  
COUNTY JAIL ..... (520) 866-5076  
[pinalcountyaz.gov/Departments/Sheriff/Pages/Home.aspx](http://pinalcountyaz.gov/Departments/Sheriff/Pages/Home.aspx)  
PROBATION ..... (520) 866-5600  
[pinalcountyaz.gov/Departments/JudicialBranch/AdultProbation/Pages/Home.aspx](http://pinalcountyaz.gov/Departments/JudicialBranch/AdultProbation/Pages/Home.aspx)  
COMMUNITY INFORMATION & REFERRAL .. (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

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## SANTA CRUZ COUNTY

SUPERIOR COURT CLERK..... (520) 375-7700  
[www.co.santa-cruz.az.us/clerk/index.html](http://www.co.santa-cruz.az.us/clerk/index.html)  
ATTORNEY'S OFFICE ..... (520) 375-7780  
[www.co.santa-cruz.az.us/county\\_attorney/victims.html](http://www.co.santa-cruz.az.us/county_attorney/victims.html)  
VICTIM WITNESS PROGRAM ..... (520) 375-7780  
[www.co.santa-cruz.az.us/county\\_attorney/victims.html](http://www.co.santa-cruz.az.us/county_attorney/victims.html)  
VICTIM COMPENSATION..... (520) 281-5868  
[www.co.santa-cruz.az.us/county\\_attorney/victims.html](http://www.co.santa-cruz.az.us/county_attorney/victims.html)  
COUNTY JAIL ..... (520) 761-7869  
[www.co.santa-cruz.az.us/sheriff\\_office/index.html](http://www.co.santa-cruz.az.us/sheriff_office/index.html)  
PROBATION ..... (520) 375-7600  
[www.co.santa-cruz.az.us/courts/index.html](http://www.co.santa-cruz.az.us/courts/index.html)  
COMMUNITY INFORMATION & REFERRAL .. (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

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## YAVAPAI COUNTY

SUPERIOR COURT CLERK..... (928) 771-3312  
[www.co.yavapai.az.us/clerksupct.aspx](http://www.co.yavapai.az.us/clerksupct.aspx)  
ATTORNEY'S OFFICE ..... (928) 771-3344  
[www.co.yavapai.az.us/Attorney.aspx](http://www.co.yavapai.az.us/Attorney.aspx)  
VICTIM WITNESS PROGRAM ..... (928) 771-3485  
[www.co.yavapai.az.us/Content.aspx?id=17362](http://www.co.yavapai.az.us/Content.aspx?id=17362)

VICTIM COMPENSATION..... (928) 771-3485  
[www.co.yavapai.az.us/Content.aspx?id=17362](http://www.co.yavapai.az.us/Content.aspx?id=17362)  
COUNTY JAIL ..... (928) 771-3286  
[www.co.yavapai.az.us/SOContent.aspx?id=19280](http://www.co.yavapai.az.us/SOContent.aspx?id=19280)  
PROBATION ..... (928) 771-3332  
[www.co.yavapai.az.us/ContactUs.aspx?id=15116](http://www.co.yavapai.az.us/ContactUs.aspx?id=15116)  
COMMUNITY INFORMATION & REFERRAL .. (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

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## YUMA COUNTY

SUPERIOR COURT CLERK..... (928) 817-4223  
[www.co.yuma.az.us/courts/CSC.htm](http://www.co.yuma.az.us/courts/CSC.htm)  
ATTORNEY'S OFFICE ..... (928) 817-4300  
[www.co.yuma.az.us/atty/index.htm](http://www.co.yuma.az.us/atty/index.htm)  
VICTIM WITNESS PROGRAM ..... (928) 817-4300  
[www.co.yuma.az.us/atty/index.htm](http://www.co.yuma.az.us/atty/index.htm)  
VICTIM COMPENSATION..... (928) 817-4300  
[www.co.yuma.az.us/atty/index.htm](http://www.co.yuma.az.us/atty/index.htm)  
COUNTY JAIL ..... (928) 782-9871  
[www.yumacountysheriff.org](http://www.yumacountysheriff.org)  
PROBATION ..... (928) 329-2210  
[www.yumacountyadultprobation.com/](http://www.yumacountyadultprobation.com/)  
COMMUNITY INFORMATION & REFERRAL .. (602) 263-8856  
or 1-800-352-3792 within area codes 520 and 928

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A complete list of Satellite Office locations and schedule of events are posted on the Community Services page of the Attorney General's Web site at [www.azag.gov](http://www.azag.gov). The Fraud Fighter Van is the newest tool to bring services and information to senior centers, libraries and neighborhoods. The Fraud Fighter Van is filled with information about identity theft, scam alerts, Internet safety and much more.



ARIZONA ATTORNEY GENERAL  
**Fraud Fighters**  
PROTECTING ARIZONA CONSUMERS

## For more information, contact:

Community Services Program  
Arizona Attorney General's Office  
1275 West Washington Street  
Phoenix, Arizona 85007  
602.542.2123 or 1.800.352.8431  
[communityservices@azag.gov](mailto:communityservices@azag.gov)

Subscribe to the Attorney General's consumer alerts and messages on current issues at [www.azag.gov](http://www.azag.gov).

## Publications available from the Arizona Attorney General's Office include:

- Top 10 Consumer Scams
- Civil Rights:
  - Employment Discrimination
  - Discrimination in Places of Public Accommodation
  - Housing Discrimination
  - Voting Discrimination
- Consumers' Guide to Buying a Car
- Identity Theft
- Internet Safety
- Life Care Planning
- Predatory Lending